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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 27 March 1946, 1000-1300, Lord Justice Lawrence presiding.

THE PRESIDENT: Go ahead, Dr. Horn.

ADOLF von STEENGRACHT --- resumed.

DIRECT EXAMINATION --- continued.

BY DR. HORN (Counsel for defendant Ribbentrop):

Q. Witness, you know Count Ciano. Where and When did you meet him?

A. I know Count Ciano but not politically speaking, only personally. I can't remember exactly when I met him but probably it was on the occasion of a state visit. I was working at the time in the department, making records in the Foreign Office.

Q. What experiences did you make with Count Ciano?

A. Since I didn't work with him politically, I didn't make any political experiences with him.

Q. And, now, a different sphere. Is it right that von Ribbentrop gave orders that under all circumstances, the French franc should be protected against inflation?

A. That type of measure can only happen during a time when I was not yet State Secretary but I know that the principal attitude towards France and occupied territories was that their currency was to be preserved and, to put it right, should be preserved with all means. That is the reason why we sent gold to Greece, for instance, so as to at least attempt to maintain the value of thei currency.

Q. What was the effect scored in Greece through sending any of that gold there?

A. By sending gold to Greece, we lowered the rate of exchange of foreign currencies which enable Greek merchants, which caused these merchants to be afraid and they waited with putting foodstuffs on the market. In that way they

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were in fact brought back to the disposal of the Greek population.

Q. Is it correct that von Ribbentrop gave strict orders that there were not to be any confiscation in occupied territories but that only direct negotiations with the governments were to take place?

A. If you put the question like that, then it is basically correct but I have to repeat what I said yesterday, that in the occupied territories he had no principle functions. Therefore, he had no officials for confiscations, a matter of which was under somebody else's jurisdiction; but it is correct to say that we negotiated with the governments concerned and that he had forbidden strictly that any direct measures were to be introduced -- measures which were carried out by other departments were not to be supported by us.

DR. HORN: For the time being, I have no further wuestions to put to that witness.

BY DR. KUBUSCHOK (Counsel for defendant von Papen):

Q. Witness, do you know von Papen intimately, from the period when you were active in the Foreign Office and particularly when you were active as State Secretary in the Foreign Office?

A. I know von Papen since several years before 1933, but privately. Then I lost sight of him for some time and reestablished closer contact when I became State Secretary in the German Foreign Office, after which I had concurrent official contact with him and contact which went past that type of contact.

Q. Did you, particularly in the last period of your activities as State Secretary, receive reports from him currently, reports which he sent from Ankara, when he was ambassador, to Berlin.

A. Wherever he didn't send these reports directly to von Ribbentrop, which may have been possible -- I don't know -- I received them through official channels.

Q. Do you remember that von Papen started to be active as ambassador in Ankara in April 1932, after he had twice before refused, that he took on that position on the day that Italy occupied Albania, by which a danger of war arose in the southeast?

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A. At that time I wasn't State Secretary and I had no political function, so that details aren't exactly known to me from that period, but today I have the impression that he took on that position aftern the Italians had occupied Albania. He, himself, told me later on that at that time the danger did exist, that the Italians would advance fruther into the Balkans, causing a possible conflict with Turkey, as a result of which world peace could have been endangered. For that reason, he said he decided at the time to accept that position but which day that was exactly, I cannot today tell you.

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Q What can you say, generally speaking, about von Papen's attitude?

A I am under the impression that von Papen was always anxious and active to preserve peace by every means. He certainly considered that it would be the worst disaster for Germany and the world if war were to break out.

Q Were von Papen's efforts during the war towards establishing peace, with the aim of foregoing any annexations no matter what the military situation was, and reestablishing the sovereignty of occupied territories? In other words, was he working for a reasonable settlement for the achieving of a bearable status for all European states?

A In principle it was always quite clear that Papen was always working for the reestablishment of peace and for the reestablishment of full sovereignty for all countries, and he always wanted to avoid any interferences or offenses or material damage being inflicted on any other countries.

Q Was that attitude of von Papen's prevalent even at the time of the greatest German military successes?

A I believe that his attitude never changed.

Q Were these continuous personal efforts of von Papen's to establish peace held against him by Hitler, and was he the uncomfortable outsider in that connection?

A I did not have an opportunity to discuss that with Hitler, but I do know that generally speaking Papen was critized by Hitler and other persons as a man who was following, shall we say, weak lines.

Q Did von Papen tell you quite often that a peace would be impossible as long as Hitler and the Party were in power in Germany, and that the necessary credit for negotiating with foreign countries was therefore lacking.

A Yes, I think it was in about April 1943 or May 1943 that I talked to von Papen about the whole subject, and thoroughly, since at that time I had just become State Secretary. At that time he voiced the opinion which you have just mentioned and he stated it very clearly. He said that he was

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quite clear about the fact that wit Hitler and the methods which were being employed, no peace could be achieved with foreign countries.

Q And my last question, Witness: The Indictment accuses von Papen of being an unscrupulous opportunist. You, Witness, know the accused from reports and from the official contact the defendant had with your department over an innumerable number of years. Did you, on the strength of that knowledge, gather the impression that this description, this characterization, of von Papen is correct, or can you say, on the strength of these reports and this contact, that von Papen has appeared to you as a man who always tells the truth, even when that truth can be quite uncomfortable to his superiors, and even when the voicing of that truth can lead to personal danger for him?

A I certainly do say that is so. I think the best evidence of it is that von Papen was eventually eliminated from the position of Vice Chancellor and had to leave his position in the government, that he became a private person, and that only when the emergency was worst was he consulted. In my opinion, von Papen only placed himself at the disposal of the Germans because he was of the opinion that, "I have still got a certain amount of duty; I am a good Catholic and I am representing a direction which is against all inhumane touches, and I must therefore use my personal weight against any influence from that direction."

I did not attend any meetings or conferences which took place between Hitler and Papen, but from my liaison officer with Hitler I often heard that von Papen, in his smooth way, often told Hitler a number a things which nobody else could have told him. I believe that through his manner he prevented quite a number of things, at least during a certain period.

BY DR. NELTE: (Counsel for the defendant Keitel)

Q Witness, you have stated that Hitler, on the occasion of the terrible bombing attack on Dresden, intended to issue an order according to which thousands of prisoners of war should be killed as a reprisal.

Did I understand the reason you gave for this yesterday, and do I recollect it correctly, namely that all you have said about this matter is information from, or based on information from Herr von Ribbentrop?

A No.

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Q What do you know from your own personal knowledge?

A From my own personal knowledge, I only know that my liaison man to Hitler called me on the telephone and told me that Goebbels had proposed to Hitler that 10,000 or more British and American prisoners of war should be shot as a reprisal, and that Hitler was prepared to follow that suggestion. I immediately reported it to

von Ribbentrop, and he went there at once and told me after half an hour that the order had been withdrawn.

As far as Field Marshal Keitel is concerned, I know nothing about him in that connection at all.

Q You don't know, therefore, who was the originatore of that order?

A No.

Q Or who suggested it?

A Well, the suggestion for that order came from Goebbels according to the information which I received.

Q Through von Ribbentrop, do you mean?

A No, von Ribbentrop had nothing to do with that.

Q In other words, Herr Hewel?

A Yes, Herr Hewel told me he had called me.

Q And you know nothing about any participation of military men?

A Nothing at all; nothing at all.

BY DR. LATERNSER (Counsel for the General Staff and OKW):

Q Witness, I have only one question. Did you, as State Secretary, or did the Foreign Office consult the OKW or the Supreme Command of the Navy and did you inform them about current matters?

A No, they were not informed.

DR. LATERNSER: Thank you. I have no further questions.

THE PRESIDENT: Does the British Prosecution wish to cross examine?

CROSS EXAMINATION

BY COLONEL PHILLIMORE:

Q Witness, you told us yesterday that the defendant Ribbentrop was against the persecution of the churches, was against the persecution of Jews, and did not know what was going on in the concentration camps. You have told us that he was not a typical Nazi. What are the qualities of a typical Nazi?

A As a typical National Socialist, I understand a man who agrees fanatically with all the doctrines of National Socialism and recognizes them. Von Ribbentrop, as I said, followed Hitler personally, but as far as the entire prospect of ideas was concerned, he knew comparatively little, unusually

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little, and never concerned himself with it. He never spoke in meetings, never participated in large rallies, and therefore knew extremely little about the people and the feelings and atmosphere connected with them.

Q By a typical Nazi, do you mean someone who was persecuting the churches?

A I didn't understand that question.

Q I will repeat it. By a typical Nazi, do you mean a man who was engaged in persecution of the churches?

A At any rate, a man who considered that right, as Adolph Hitler did, and didn't state any of his personal opinions in connection with that affair.

Q And a man who would take his full share in persecution and extermination of Jews?

A That I wouldn't like to say either. That was limited to a certain circle of people. A large number of fanatics knew nothing about those atrocities and cruelties and would have condemned them had they been properly informed of them.

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Q I understand you to say that you knew nothing of them yourself. Is that so?

A That I did not know anything?

Q Yes.

A In my position as State Secretary and because I was reading foreign papers and particularly since I had contact with the opposition I have heard about a number of matters connected with concentration camps. In all those cases, as far as I was capable of doing so, I intervened. But regarding the things which I have heard now here, I knew nothing at all.

Q Now, I want to ask you about another matter. You have told us that Ribbentrop had no responsibility in the occupied territories. Your words were that the Foreign Office lost responsibility at that moment at which the German bayonet crossed the frontier. Is that right?

A I said that at that moment that the German bayonet crossed the frontier the Foreign Office lost the sole right to negotiate with foreign governments everywhere. That over and above that, in most countries, the Foreign Office did not have the right to carry out diplomatic observations and that it no longer had any competency to do so. That applied particularly to Norway and the Eastern territories.

Q You have said the Foreign Office had no right to have an observer there and that direct relations with occupied territories were withdrawn, is that right?

A No, I said that the Foreign Office in all occupied territories no longer had the sole right to negotiate with governments, since now there was either a civil administration in those countries or a military government. There were field command departments and military administrations and now those departments on their own approached foreign governments and their executive organs in all the countries concerned. Consequently you cannot say anymore that the Foreign Office had the sole right to negotiate with those governments. But in countries like Norway and the East we had no officials of ours at all and Hitler had issued the order that as far as the other countries were concerned, namely Holland, Belgium and so on and so forth, we would have to withdraw our observers too. We did not do so, however.

Q You say, in France you had an ambassador reporting direct to Ribbentrop, did you not?

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A Yes.

Q And his duties included advising the Secret Field Police and the Secret State Police by the impounding of politically important documents and securing and seizure of public property; further of private and above all Jewish artistic property on the basis of instructions especially given for the matter. Isn't that right?

A I said yesterday and emphasized already, since after 1943 I had nothing to do with political affairs. But, Mr. Prosecutor, if I understood your question right, then you are of the opinion that the Secret State Police and the German executive organs in France were under our jurisdiction. That is quite incorrect.

Q You are not answering the question. I asked you if the Minister Abetz had not got those duties.

A He did not have the task of carrying out any confiscations or Jewish persecutions. No orders of that kind went through myhands.

COLONEL PHILLIMORE: I ask the witness to be shown document 3614-PS.

My Lord, that was put in as French document 1061 on the 4th of February.

THE PRESIDENT: What was the PS number?

COLONEL PHILLIMORE: It is 3614-PS.

(witness handed document.)

BY COLONEL PHILLIMORE:

Q It is a letter dated the 3rd of August, 1940, signed by Ribbentrop, to the Chief of the Supreme Command of the Armed Forces (OKW). It reads:

"The Fuehrer has appointed Ambassador the former Minister Abetz and after my report has decreed as follows:

"1. Ambassador Abetz has the following tasks in France:—"

Then it sets out a number of tasks and number six, which I put to the witness, reads:

"Advising the Secret Field Police and the Secret State Police by the impounding of politically important documents.

"7. Securing and seizure of public property; further of private and above all Jewish artistic property on the basis of instructions specially given for the matter."

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Then the concluding paragraphs:

"The Fuehrer has hereby expressly ordered that Ambassador Abetz is exclusively responsible for the handling of all political questions in occupied and unoccupied France. Insofar as his functions should touch military interests, Ambassador Abetz will act only in agreement with the military Commander in France.

"Ambassador Abetz is attached to the Military Commander in France as his Commissioner. His seat remains Paris as heretofore. He receives instructions for his tasks from me and is responsible exclusively to me on these matters.

"(Signed) Ribbentrop".

I want to ask you one or two questions about the Jews.

You have told us that you and the defendant Ribbentrop --

THE PRESIDENT: Colonel Phillimore, the Tribunal would like to know why this witness told them that Ambassador Abetz did not have the task of confiscating property.

BY THE PRESIDENT:

Q Why did you say that?

A Ambassador Abetz had no executive powers and there was a definite prohibition for him to get mixed up in French foreign affairs. Therefore, he could only address the French Government and the French Government could carry out by means of their executive officials something which would represent an action on the part of the French Government but never a confiscation carried out by Abetz.

BY COLONEL PHILLIMORE:

Q That is not an answer to the question. The question is why, when you were asked whether Abetz had the task of advising the Secret Field Police and the Secret State Police by the impounding of politically important documents, did you say no?

A I said that no order went through my hands since I did not become State Secretary until May 1943 and that is an order from August, 1940. But here we are concerned merely with a directive addressed to Ambassador Abetz.

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Q At this time you were Ribbentrop's personal adjutant, were you not?

A I was adjutant, but not political secretary. I was --

Q You were adjutant?

A I was adjutant, that is to say I was concerning myself with technical matters and at that time I had never presented him one single political report. But I should remark, if I may, on this occasion that this document here is an instruction addressed to Ambassador Abetz and that instruction was put out of date by the actual conditions.

Q How do you know that if you were only personal adjutant and not acting in political matters?

A Ambassador Abetz was ambassador until May, 1945. Therefore, from 1943 to 1945 I had continuous correspondence with him and during that time Ambassador Abetz continually fought against those measures which were taken by the Gestapo and carried through by them. That was a bitter struggle and he was personally threatened in a number of matters. You can talk about consultations but whether people obeyed him since he had no powers, that is another question altogether.

THE PRESIDENT: Witness, will you kindly observe the light in front of you.

BY COLONEL PHILLIMORE:

Q Does it come to this, tht your answer about occupied territories only applies after 1943?

A From my own experience I can only talk about the period after 1943.

Q Now, I want to turn to the question of Jews. You have told us that you and Ribbentrop by adopting a policy of delay prevented the holding of the Anti-Jewish Congress in 1944, is that right?

A Yes.

Q And that you were against the policy of persecution of the Jews?

A Yes.

Q And so was the defendant Ribbentrop?

A Yes.

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Q I want you to look at document 3319-PS.

(Witness handed the document).

COLONEL PHILLIMORE: My Lord, that is a new document. It will be G.B. 287.

BY COLONEL PHILLIMORE:

Q Will you look at page 4 of the German -- that is page one of the English.

Now, that is a letter dated the 28th of April on the subject of anti-Jewish action in foreign countries. It is marked at the bottom of page 4.

A I have not found it yet.

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Q. Will you look at page 4, marked in a black square at the bottom of the page you see a letter dated the 28th of April 1944, "Subject: Anti-Jewish action in foreign countries", and it's addressed to practically every German legation and mission abroad.

A. Yes.

Q. Turn to page 10. You will see that it purports to be signed by you; is that correct?

A. Yes.

Q. And the letter. Refer to the letter. I will read you the first paragraph to refresh your memory.

"The Reich Foreign Minister --"

A. Yes.

Q. "-- has ordered the creation of the information department 14, anti-Jewish action abroad, under the leadership of the Envoy, I.K. Schleier. Its task is to deepen and to strengthen the anti-Jewish information in foreign countries. This will be done by the collection of all experts of the departments and working units of the Foreign Office who are interested and take part in the anti-Jewish information in foreign countries. It will also be done in close cooperation with all offices which are engaged with anti-Jewish work but are outside the foreign office and with German missions in Europe."

Then you set out the co-workers, number of departments of the Foreign Office, and then one permanent representative of the Reich Main Security Office, that's Himmler's office, isn't it?

A. Yes.

Q. And one representative of the office of Reichsleiter Rosenberg, that department just up above Inland 2, that is the Foreign Office which liaised with the SS, isn't it?

A. Yes.

Q. At that time the chief was a man called Wagner and the assistant chief von Tadl?

A. Yes.

Q. Do you still say that you were against the policy of persecution of

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the Jews?

A. Yes, I still maintain that. I also say, as I said during earlier interrogations, that even the holding of an anti-Jewish congress in its effect would not mean an action against the Jews because what was happening in Germany was all taking place under the seal of secrecy and nobody was informed in any way. The Jews idsappeared. But if one had held a national congress, then one would have been forced to bring up the question: In the first place, where have those Jews gone to? What on earth is happening to them?

Q. Is the point this, that you wanted to put off an anti-Jewish congress because that would be known to the world, but you were quite prepared to set up an organization in the Foreign Office?

A. No. We have to separate two completely different problems here. Problem 1 is that there were departments in Germany carrying out anti-Jewish actions and pursuing them in those organizations that were spreading abroad and acted there without knowledge of the Foreign Office and without any participatior and took people away from those foreign countries. Consequently, an improvement and a policy within reasonable limits and channels could only take place if some German department assumed or had assumed responsibility. We heard nothing about these matters. We heard about that from complaints from foreign officials of ours but we had no means of controlling these things. If I had --

Q. Was this set up to control the anti-Jewish policy, this department?

A. Apparently we are discussing two different matters today. The anti-Jewish congress had been ordered and it had been ordered that Rosenberg --

THE PRESIDENT: You are not answering the question. The question was: Was this organization, referred to in this letter, set up to control the organization of anti-Jewish work abroad? That is the question. Can you not answer that "yes" or "no"?

A. A general control had not been exercised by the Foreign Office since all anti-Jewish questions were principally dealt with in Rosenberg's office.

Q. What was the purpose of this organization of the Foreign Office?

A. By order from Hitler we had to draw together all German departments and form an archive so as to collect the entire material there. We were anxious-

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Q. And this was ordered by Ribbentrop, wasn't it?

A. Yes.

Q. As set out in your letter?

A. Yes. And we wanted to gather an impression as to what was actually happening to Jews, and so we kept ourselves to people who also took different departments.

Q. But I will show you in a minute what was actually happening and in your own files, but I just want to put this to you:

The point of your putting off the anti-Jewish congress was simply because you did not want the world to know you had not the slightest objection to setting up an anti-Jewish organization in Germany.

Now, will you look at page 32 of the German text.

COLONEL PHILLIMORE: My Lord, that is on page 23 of the English text.

BY COLONEL PHILLIMORE:

Q. You will see there a letter from Rosenberg's office to the Foreign Office, signed by Brauetigam. That is on page 32 of the German text. It is marked at the bottom of the page "32".

Brauetigam was your liaison officer with Rosenberg, wasn't he, witness? Was Brauetigam your liaison officer in Rosenberg's office?

A. Brauetigam was, I think, in 1941 employed in the Foreign Office, yes, but in 1941, since he had previously been employed in the Foreign Office on eastern problems, he had been handed over and had now become --

Q. Very well. And you will see that there he is referring to a conference with Oberstrumbannfuehrer Eichmann, that is the chief of the Jewish section of the Gestapo, and a Dr. Wetzel, and he sends you a copy of an agreement made at Tigina, Rumania, on the 30th of August 1941 with the request for acknowledgement.

A. Mr. Prosecutor, there seems to be an error here. This letter is dated March 11, 1942, and I became State Secretary in May, '43, and know nothing about this matter therefore, but I should like to remark --

Q. You just listen and wait until you are aksed a question. We shall get on faster if you just listen to the letter. I point out especially No. 7 of the

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agreements. Now, that enclosed an agreement made between the German and Rumanian General Staff, and, if you will look at paragraph 7, on page 38 of the German text, page 27 of the English, this was the agreement they made:

"Deportation of Jews from Transnistria. Deportation of Jews across the Bug is not possible at present. They must, therefore, be collected in concentration camps and set to work until a deportation to the east is possible after the end of operations."

And then there's a note on the file on the next page of the German, still on page 27 of the English:

"According to information today from director General Lecca, 110,000 Hews are being evacuated from Bukovina and Bessarabia into two forests in the Bug River Area. As far as he could learn, this action is based upon an order issued by Marshal Antonescu. Purpose of the action is the liquidation of these Jews."

Now, do you doubt that that agreement, enclosed with that letter sent to the Foreign Office, would have reached the defendant Ribbentrop?

A. Well, I see this document and this agreement for the first time.

Q. Yes. Would you answer the question. Do you doubt that that letter and that agreement enclosed with it would have been shown to the defendant Ribbentrop?

A. At that time there was an Undersecretary of State in the Foreign Office who was acting extremely independently. Against that man I fought a bitter battle, although I wasn't really entitled to that sort of action, but he wanted to introduce national socialist methods in our office. Whether he submitted this matter to Ribbentrop or not I cannot decide.

Q. Very well. We come to a time when you were the Secretary of State. Would you look at page 31 of the German text, page 20 of the English.

THE PRESIDENT: What do the words that follow the passage you have just read mean on page 27? "Bucharest, October 17, 1941 (Signature illegible)", and then "To be discussed with Vice Minister President Antonescu. Confidential, Bucharest, October 16, 1943"?

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COLONEL PHILLIMORE: My Lord, it is merely typed "Bucharest, October 17, 1943" and then follows the next letter. The previous part is a note on the file.

THE PRESIDENT: Very well.

COLONEL PHILLIMORE: It is a note on the German Legation file on Bucharest.

THE PRESIDENT: Go on.

COLONEL PHILLIMORE: I have not troubled the Tribunal with the following letters. They deal with the earlier date on the expulsion of Jews from firms owned by citizens of the German Reich.

BY COLONEL PHILLIMORE:

Q. Now would you look at page 3 of the German, page 20 of the English. You will see there a document sent ---

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THE PRESIDENT: When you started that document you didn't give the date in full. The year there appears to be 1944, doesn't it?

COLONEL PHILLIMORE: It is 1942, I think, My Lord.

THE PRESIDENT: It should be April 28, 1942? Is the date at the head of the document?

COLONEL PHILLIMORE: My Lord, the letter I read was dated March 1942, and marked with a foreign office stamp, "Received 13th of March" --

THE PRESIDENT: I am speaking of the whole document, page 1 of the document.

COLONEL PHILLIMORE: My Lord, it is a file, one of those rather inconvenient documents, a file, and it starts with the earliest date at the botton and then works up to 1944.

THE PRESIDENT: Yes. Then the part you read first -- ...?

COLONEL PHILLIMORE: That was 1944.

THE PRESIDENT: Very well. What page are you going to now?

COLONEL PHILLIMORE: Page 20 now, My Lord.

Q Now, this is a communication from von Tadden who was, as you have told us, assistant in the Department Inland II, to the German Legation in Bucharest. It is dated the 12th of October, 1943, and it is stamped as received on the 18th of October. And he encloses a letter signed by Mueller in the Reichssicherheitshauptamt, to all German police authorities abroad. You will see that it goes to the Commander of the Security Police in Prague, the Hague, Paris, Brussels, Metz, Strasbourg, Luxembourg, Cracow, Kiev Smolensk and so on. October, 1943. That is after you had become Secretary of States, isn't it ?

A Yes.

Q You were appointed in April?

A Yes

Q The subject of the letter is treatment of Jews with foreign citizenship in the sphere of German power.

"In agreement with the Foreign Office, all Jews who remain in the sphere of German power after the end of the socalled home-bringing, and who have the citizenship of the following countries might now be included in the evacuati on measures;

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"Italy, Switzerland, Spain, Portugal, Denmark, Swede, Finlande, Hungary Roumania, Turkey.

" Since the evacuation of these Jews to the East cannot yet take place at the present time, a temporary stay is provided in the concentration camp Buchenwald for male Jews over fourteen years of age and in the concentration camp Ravensbrueck for Jewesses as well as children. The necessary measures are to be carried out on the following dates: (a) for Jews with citizenship, immediately; (b) for Jews with Turkish citizenship, on the 20th of October 1943; (c) for Jews with citizenship of other contries mentioned above, on the 10th of October 1943.

"A special application for protective custody is not requested for the transfer to the concentration camp, but concentration camp headquarters are to be notified that the transfer to the concentration camp is taking place in the frame of the evacuation measures."

And then there are arrangements about baggage. And if you look at 31-E, you will see at the foot of page 22, on the English, that that had been signed bu Mueller and then was signed again by a clerk of Himmler's office. And then on the next page of the English, still on 31-E of the German, Himmler's office sends it to the Foreign Office, to von Tadden, on the 2nd of October.

Now, did you not see that document when it got to the Foreign Office?

A No, this is the first time, here today, that I am seeing it.

Q You were then the Secretary of the State?

A Yes, centainly. This is obviously a measure ordered by another department, and within Germany the Foreign Office had no executive powers or possibilities. Consequently --

Q No executive powers, but it was sent to you for information.

A That was sent to us, this story for our information, and it wasn't put before me -- this story.

Q You had a department liasing with you, a Mr. von Jadden. Was he not a competent official?

A The exact contents of this story I don't even know now, because I didn't have time to read it fully, but the only think I can imagine with reference to this whole matter is this: The question was discussed for some

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considerable time, whether the Jews who were in Germany could be returned to their home countries, This, I think, is what we are concerned with --

Q Either you know or don't know the answer to my question; not your imagination. I asked you whether von Tadden was a competent official.

A I haven't seen this document --

Q You are not answering the question. Was von Tadden a competent official?

A Tadden was a man from the Foreign Office who knew his job.

Q Yes, knew his job. And do you not think that as Secretary of the State he ought to have shown you this document?

A That he should have done, certainly, but this matter had been negociated elsewhere, in other departments, and as far as the anti-Jewish action was concerned I was completely excluded and the instructions for foreign organizations never went through me as far as Jewish actions were concerned. I said yesterday during my statement that these matters were negociated immediately on the highest level and that the Foreign Office wasn't even informed about them afterwards, orders in these matters.

Q This is a document you were informed about?

A Mueller sent it to the Foreign Office.

Q And you sent it to your legation at Bucharest.

A He ought to have put that before me, certainly but

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I haven't seen it.

Q. And if you just look again at the letter, you notice how Mueller's instructions start. He begins,

"In agreement with the Foreign Office" --

A. Where does it say so? Unfortunately I haven't found it.

Q. At the start of the letter. The subject is the treatment of Jews with foreign citizenship in the sphere of German power. And then he begins,

"In agreement with the Foreign Office."

Does that just mean in agreement with Mr. von Kadden?

A. I assume that this type of thing was handled by the experts concerned, since it is a principal matter and was put directly before von Ribbentrop. May I ask to put the question to him, whether he knows this matter or not? I haven't seen it.

Q. This is a matter of such importance that it could not have been agreed with Foreign Office without Ribbentrop being consulted, isn't that the case?

A. In my opinion, I would never have concluded this matter if it had been put before me. I am of the opinion it had to be put before von Ribbentrop.

Q. And, of course, von Ribbentrop was one of the most ruthless persecutors of Jews of any, wasn't he?

A. That is not correct.

Q. I am going to just read you a short passage from the conference between the Fuehrer, Ribbentrop and the Hungarian Regent, Horthy. This is D-736, which was put in as GB-283, by Sir David Maxwell-Fyfe, to the Defendant Goering. This was a meeting at Klessheim Castle on the morning of the 17th of April, 1943. And you see the minutes are signed by Schmidt.

A. Yes.

Q. The question of Jews was raised. The Fuehrer replied that it was the fault of the Jews who considered hording and profiteering as their main sphere of activity, even during a world war, in exactly the same way as in England they were sentenced for rationing offenses and which like now chiefly concern Jews. To Horthy's counter-question as to what he should do with the Jews, now that he had deprived them of almost all possibilities of livelihood, he cou

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not kill them off, the Reich Foreign Minister declared that the Jews must either be exterminated or taken to concentration camps. There was no other possibility. And then you see the Fuehrer goes on to describe them as tuberculosis bacilli.

Now, in the face of that document, do you still say that the Defendant Ribbentrop was against the policy of persecution and extermination of the Jews?

A. I said yesterday already that von Ribbentrop whenever he was with Hitler --

Q. I am putting it to you now, today. You have now seen that document. Do you still say that Ribbentrop was against the policy of persecution and extermination of the Jews?

A. I should like to make a distinction between the natural instincts of von Ribbentrop and what he waid when he was under Hitler's influence. I said yesterday that he was hypnotized by Hitler and then became his tool.

Q. Yes, became his tool. And from then on, he was prepared to do anything that Hitler wanted and was as violent a Nazi as anyone, isn't that right?

A. He has followed blindly the order given by Hitler.

Q. And to the extent of conniving at any and every atrocity, isn't that right?

A. Since he had no executive powers he personally could not commit any such cruelties.

(Colonel Phillimore withdrew from the lectern.)

THE PRESIDENT: Do any of the other Chief Prosecutors want to cross-examine?

BY COLONEL JOHN HARLAN AMEN (for the United States):

Q. You testified yesterday that you did not consider Ribbentrop a typical Nazi, is that correct?

A. Yes.

Q. Do you consider Goering to be a typical Nazi?

A. Goering has made speeches before every type of meeting and has

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fought for the seizure of power, and consequently he had a completely different basis in the party from Ribbentrop.

Q. I think you can answer my question yes or no. We are trying to save time as much as possible.

A. Yes, certainly.

Q. Do you consider Goering to be a typical Nazi according to the same standards you were using with Ribbentrop, yes or no?

A. That sort of question you cannot answer like that, with a yes or no. I am trying hard; every --

Q. You were asked about --

(A slight overlap in the sound channels.)

A. I can't understand; sorry.

Q. You answered it that way with respect to Ribbentrop, didn't you?

A. Goering was a personality of a peculiar type. I can't put him within the same limits of general Nazis, as one is usually expressing --

Q. In other words, you don't know whether you think he is a typical Nazi or not, is that what you want the Tribunal to understand?

A. As to a typical Nazi, one understands the average Nazi, and Goering is a personality of a type all his own. As far as his habits are concerned, you can't compare him with the other Nazis, either.

Q. Well, are you acquainted with all of the gentlemen in the box there in front of you?

A. Yes.

Q. Now, will you tell me which of those individuals you consider to be a typical Nazi, according to the standards which you applied yesterday to Ribbentrop?

THE PRESIDENT: Colonel Amen, I don't want to interrupt your cross-examination, but want to say that there is too much laughter and noise in court, and I can't have it.

Go on, Colonel, with your cross-examination.

Q. Do you understand my last question? Please name those of the Defendants in the box whom you consider to be typical Nazis, on the same standard

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which you yesterday applied to Ribbentrop?

DR. HORN: Mr. President, I am convinced that a judgment will be passed by this witness which is to be passed, in my opinion, at the end of the trial by the Tribunal. This is a judgment which the witness cannot be expected to pass.

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COLONEL AMEN: This is the subject that was brought up by this very Counsel yesterday with respect to Ribbentrop.

THE PRESIDENT: The Tribunal thinks it a perfectly proper question. They understand that the phrase "a typical Nazi" was used by the witness himself.

Q And please just give us the names and not a long explanation, if you can.

A I said yesterday that the typical Nazis I understood to be people who are familiar with the dogma, and I want to add today that typical Nazis are those people who during the time of struggle represented National Socialist thoughts and were propagandists of National Socialism. The book of Rosenberg is known. Mr. Frank, as President of the Academy for German Law, is known. Hess, of course, too. These are people whom I am putting into the foreground because of their writings and speeches, through which they are known, but nobody will ever have heard Ribbentrop make an election speech.

Q But you are not answering my question. Am I to assume from that that in your opinion Rosenberg, Frank, Hess, are the only persons whom you could characterize as being typical Nazis, according to your standards?

A Yes - well, do you want me to go through the ranks of the defendants and pass judgment, an opinion on every one?

Q Precisely. Just give me the names. I do not want your opinion. I want to know under your standards which of them you consider typical Nazis.

A The standards I have mentioned before, the measures I apply, and the question is now whether they were unreserved in their agreement with the doctrines, whether they entered behind the Nazi program with their writings and speeches and then I named the prominent ones.

Q And you consider all of the others not to be typical Nazis? Correct?

A No, I did not say that. I then have to go through them individually.

Q I have asked you to do that three times. Will you please name them individually?

A Well, then, I also see Mr. Sauckel. He was gauleiter in the National Socialist Movement. He occupied a leading position, carrying on leading activities. Then I see the Reich Youth Leader, who educated the Hitler Youth.

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Q Who else? Just give me the names. Do not give these explanations, please.

A Well, I think that with that I have exhausted or I have put in the foreground the typical representatives of the Party.

Q Well, how about Streicher?

A I cannot see him here. Otherwise I would answer in the affirmative.

Q In other words, you consider him to be a typical Nazi under your standards?

A Yes, but his excesses -- please do not attribute them to all National Socialists.

Q Now, while you were working with Ribbentrop, do I understand that you knew nothing about the murder, torture, starvation and killings which were taking place in the concentration camps?

A Through talking to foreign diplomats and because I heard from the opposition and because of foreign propaganda, I knew about the existence and some of the methods, but I emphasize that I knew only some, only a part of the methods used. Regarding the size of the whole matter, I only heard in my internment here.

Q Did you know that priests were being tortured and starved and killed in concentration camps while you were working with Ribbentrop?

A No, regarding individual sentences I have heard nothing exact. If that has happened to priests, then I would only consider authentic information what the Vatican would have informed me of, but that did not occur. But in spite of the fact, as I said yesterday, that the Vatican was not concerned with the cases I have occupied myself with all matters which I could put on a humane or humanitarian basis. I have occupied myself with them, and I have always acted, trying to be successful. In 87 cases I have intervened, and my intervention would bring the fate of death with it. I have intervened in hundreds of other cases, and, for that matter, I have saved the lives of thousands and thousands of people, or at least approved it.

Q If you do not confine your answers directly to my questions, it is very difficult to get through and to save time. Now, will you please try to answer my questions Yes or No, if possible, and make your explanations

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short? Do you understand?

A I understand perfectly. Wherever I can, I shall certainly do so.

Q Did you know that nuns were being tortured and starved and killed in concentration camps, while you were working with Ribbentrop?

A No.

Q You did not know either about what was happening to priests or the nuns or to other inmates of concentration camps? Correct?

A I have just said that I have intervened in hundreds of cases, cases in which I was approached by representatives of the Vatican, but even where Jews were concerned, whom he was not interested in, in all cases where he intervened with reference to the Polish clergymen, for instance, although I had strict instructions not to concern myself with such cases, I have received his information, and, in spite of the "Nacht and Nebel" decrees, I have always intervened when I could get information on the subject, but details other than those which reached me through official government channels. I have not received.

Q And who gave you the instructions not to do anything about these complaints?

A That order originated from Hitler directly and had been received by Ribbentrop in our office.

Q How do you know?

A I said yesterday that two notes passed through Secretary of State Weisecker to Ribbentrop, and that he had turned them down, saying that they were stupid lies and that, apart from that, this was not under the jurisdiction of the Papal representative and that in the future such documents were not to be accepted; furthermore, conversations were not to be started, and that did not only apply to the Papal representatives but to all other sources, wherever diplomats intervened in matters which were none of their concern.

"Q But to you want the Tribunal to understand that you went ahead and tried to do something about these complaints, whereas Ribbentrop did nothing; is that correct?

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A I have tried with reference to all these cases to settle them within my own sphere of influence or jurisdiction. Such cases, according to instructions, I was not meant to accept at all, but wherever the case was of principal importance or where the saving of more lives than one was concerned, I have always gone to Ribbentrop. In most of these cases, he then took the matters before Hitler, after we had constructed, invented, some new jurisdiction of sorts so that there would not be any objection that the Nuncio was not concerned with the matter. Whenever that was done, Hitler either turned down all these things, once and for all, or he said that the police would have to investigate the case afresh.

The grotesque picture then arose that regarding humanitarian affairs or a matter which had to be done for foreign political reasons, no longer the Foreign Minister made a decision, but the General Inspector. To him I had to say that this was a matter that was undesirable because of the interests of the state.

Q Did Ribbentrop obey the instructions which you say were received from the Fuehrer not to do anything about these complaints or did he not? Yes or No?

A I cannot answer that question since I do not know how many orders he has received from Hitler and whether he obeyed every one of them individually.

Q Well, you have been testifying that you received instructions not to do anything about these complaints from the Vatican; is that not correct?

A Yes, and I did obey it.

Q Well, I am now asking whether Ribbentrop obeyed those instructions or whether he did not.

A But that was the higher level. Just what order Hitler had given to Ribbentrop directly is something I cannot testify to since I do not know it.

Q Where did you receive your instructions from?

A From Ribbentrop.

Q Ribbentrop has testified under interrogation that he knew nothing of what went on in any of these concentration camps until the Fuehrer ordered

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Luther to be placed in a concentration camp. Do you know who Luther was?

A Yes.

Q Who was he, please?

A Luther was an Under Secretary of State of the Foreign Office who was the head of the Department Germany, Deutschland.

Q When was he placed in a concentration camp?

A That must have been approximately February, 1943.

Q Now, as a matter of fact, is it not true that Ribbentrop had a whole deskful of complaints from the Vatican about killings, atrocities, the starving of priests and nuns, to which he never made any reply at all, even an acknowledgment?

A Mr. Prosecutor, just what happened before May 1943 I do not know. As long as I was Secretary of State, I have never failed to accept a note or failed to take responsibility. To the contrary, I have accepted all these notes and have attempted to assist these people. Regarding conditions before my term of service, I cannot give you any information because I do not know.

Q Well, I am not talking about that time; I am talking about the period immediately before and following your appearance there in 1943. Now I want to read you--

A I am sorry you. I should very much like to answer the question if I knew anything about the matter, but during my time -- well, I just cannot say anything about it because I do not know anything at all.

Q Well, I will read you the interrogation of Ribbentrop and ask you whether what he says conforms with your recollection of the facts.

A I should only like to say that until May 1943 I was not active politically. Therefore, of my own knowledge, I cannot make a statement on that question.

Q Well, as I read the testimony to you, you will find that the interrogation refers to communications which remained in his desk unanswered for an indefinite period of time. Did you have access to Ribbentrop's desk? Did you know what was in it?

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A No.

Q "Question: Did you receive from the Vatican a communication dated 2 March 1943 calling your attention to a long list of persecutions of bishops and priests, such as imprisonment, shooting, and other interferences with the exercise of religious freedom?

"Answer: I do not recollect at the moment, but I know that we had protests from the Vatican, for I mean we had a whole deskful of protests from the Vatican."

Does that conform with your recollection?

A Well, unfortunately, once more I have to say that this was before my time. I could not know whether he had a deskful of matters like that.

Q If they had remained in his desk from March until May, then you would know about them, is that not correct?

A Who, me? No. I am not von Ribbentrop's butler. I have not been that. I was not in a position to go looking at his drawers and desk.

Q So that your testimony is that you knew nothing about any protests from the Vatican other than those which you have already referred to?

A Apart from those I have mentioned, I know nothing about such protests, and I emphasize that during my time I accepted them all and answered them all.

Q I will read you further from the interrogation:

"Question: Did you reply to these Papal protests?

"Answer: I think there were very many we did not reply to -- quite a number."

Does that conform with your recollection?

A Certainly, yes. That must be true. That was in accordance with the instructions that were originally given.

Q By whom?

A By Hitler. They were Hitler's instructions.

Q To whom?

A Certainly to Ribbentrop.

Q Those are the instructions which you say that you were violating on the side, is that correct?

A Which I did not obey, yes. Otherwise, in all these cases where I was not really officially concerned with them, I would not have been allowed to

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accept these protests from the Vatican, nor would I have been allowed to accept protests frmm the Swedish Ambassador regarding occurrences in Norway, which I also accepted.

Q I will continue to read:

"Question: Now, do you mean to say that you did not even read a protest from the Vatican that came to your desk?

"Answer: It is really true. It is so that the Fuehrer took such a stand in these Vatican matters that from then on, they did not come to me any more."

Does that conform with your recollection?

A Do you mean that I meant that Ribbentrop did not receive them any more? That is correct. That tallies with what I have just said: namely, that in all these cases, where we were not meant to accept them, I tried to settle them on my own, and that was against orders.

Q And in the course of reading these complaints from the Vatican which went unanswered, both you and Ribbentrop learned full details of exactly what was going on in the concentration camps, did you not?

A In thesenotes, not in the ones I have seen, nothing was ever mentioned regarding the treatment. They were dealing with complaints raised because a death sentence was passed or why the clergyman had been arrested at all, or similar cases, or the question of judges or things like that.

Q I do not want to take the time of the Tribunal to read to you the documents which are already in evidence.

COLONEL AMEN: I am referring to Document Nos. 3261-PS, 3262-PS, 3264-PS, 3267-PS, 3268-PS and 3269-PS, but in those documents -- I am sorry, sir, 3269-PS is not in evidence.

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But in those documents, Witness, are set forth the details of numerous individuals and collective cases of just what went on in concentration camps. You say you were not familiar with any of those matters?

A Mr. Prosecutor, I don'tthink I did express myself like that. What I said was that everything that was communicated by foreign diplomats I do, of course, know. In other words, if detailed reports were received during my term of office, then of course I knew it. I never denied it.

BY THE PRESIDENT:

Q What you said, Witness, was --at least what I took down and understood you to say was that nothing was ever mentioned in the notes about the treatment in concentration camps.

A During the previous question I said, when the question was put generally as to whether I knew about conditions in concentration camps and whether I had been informed about the treatment in them, that everything that had been reported to me by diplomats or what I had learned from the foreign press, I knew. In other words, if these documents did contain details which I received during my time, then I must have known it too; but may I ask you, first of all, what the date of these documents is? May I ask the date of the document?

BY COLONEL AMEN:

Q There are many documents with many dates, which can beobtained, but we don't want to take too much of the Tribunal's time. What I want to find out is whether or not you and Ribbentrop did know all about the murders, tortures, starvations and killings that were taking place in the concentration camps and which were the subject of constant and continuous protests from the Vatican, which Ribbentrop has testified were not even read or acknowledged? Do you understand that, Witness?

A Yes, I understood it. But of the ill-treatment in concentration camps to the degree and in the bestial way I have heard about here I knew nothing whatsoever; and I must protest against the suggestion that I had heard things like that via the Vatican at that time. Furthermore, I am convinced that even Ribbentrop knew nothing about the details as we have heard them here and as they have been shown in the films -- that he had no idea of them at all.

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Q. Isn't it a fact, Witness, that if you had followed up any of these complaints from the Vatican which Ribbentrop has testified were ignored, you would have found out everything which was going on in the concentration camps to the last detail? Yes or no?

A That is not correct. I said yesterday that you can probably find the key for that situation in the speech made by Himmler on October 3, 1943, when he said that the Jewish action and concentration camp matters were to be kept just as secret as the matter of June 30, 1934. The majority of the German people weren't informed about that until a short time ago; they couldn't have known anything about these events. If I went to Gruppenfuehrer Mueller or other such officials, I was always told that everything in those concentration camps was functioning beautifully and that ill-treatment could not be mentioned at all, couldn't be talked about.

Then I heard that foreigners, the Red Cross, wanted to visit a concentration camp, and the Danish Red Cross was taken to the concentration camp Theresienstadt. After that visit to the camp took plade -- this was a Jewish camp-- I was visited by the Danish ambassador, who told me that beyond expectation everything had been favorable in that camp. I told him I was astonished and he told me yes, there was a theatre in the camp and they had a police force of their own, they had their own money. The whole matter is well-run. I had hardly any reason therefore to doubt that that was true. But I myself couldn't get myself informed of the true conditions from any German department. They were probably afraid to inform a member of the Foreign Office of any such matters. But I want to emphasize again that I really had no idea of the atrocities, cruelties, and mistreatments in the concentration camps.

Q. Why in the world should they be afraid to advise the Foreign Office of these atrocities? Had the Foreign Office ever done anything to discourage them?

A In all matters which were violations of international law we attempted to report the matter to the Red Cross through one channel or another, and in particular in all matters relating to prisoners of war we did this. If anything appeared to be wrong to us, then we on our own initiative drew the attention of the Swiss delegation to it and asked them to go to the place where there was something going on. This case would go

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to the Swiss man and I would tell him that this and that case has occurred in a concentration camp. Then the Swiss Red Cross would probably have interfered, which would probably have incurred unpleasant measures for those concerned.

THE PRESIDENT: ColonelAmen, I think we ought to have an adjournment for ten minutes.

COLONEL AMEN: I have only a few more questions.

(A recess was taken).

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BY COLONEL AMEN:

Q So far as you know, after Ribbentrop had received this desk-full of complaints from the Vatican, which he neither read nor acknowledged, did Ribbentrop take any steps or do anything to find out whether those complaints were justified and true, or did he not?

A Regarding the complaints made before my time, I have no notion.

Q I am asking you about any complaints that were received from the Vatican that ever came to your attention, with particular reference, of course, to the desk-full to which Ribbentrop himself has testified. Do you know of any steps that were ever taken by Ribbentrop in connection with complaints received from the Vatican about the artocities taking place in concentration camps? Please try to answer "yes" or "no".

A So far as I recall, complaints of this sort were submitted by him to Hitler, and then he waited for Hitler's order.

Q All right. And when Hitler told him to pay no attention whatsoever to these complaints, he, as usual, did exactly what the Furhrer told him to do, namely, nothing. Is that correct, so far as you know?

A Yes; he obeyed Hitler's orders.

Q And did nothing?

A And if the order read thus, he did nothing, yes.

Q Well, didn't you tell the Tribunal that is what the direction from the Fuehrer was, to pay no attention to these complaints? Yes or no, please.

A Yes.

Q And so, I say, Ribbentrop, as usual, did nothing about any of these complaints after the Fuehrer instructed him to disregard them. Is that right?

A I did not quite understand that question.

Q I say after Ribbentrop received instructions from the Fuehrer to disregard these complaints from the Vatican, Ribbentrop, as usual, did what he was directed, namely, nothing.

A I assume so, except for those cases where he made another effort and again received the same order. I know that he once turned to Himmler and requested that the actions against the Jews should not be carried out, and he made a proposal that Jewish women and children should be put at the disposal of England and America.

Q And you also know what reply he received to that suggestion, don't you?

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A I am not familiar with the answer.

Q Well, you are certainly familiar with the fact that no such thing was ever done, are you not?

A No--What did you say was not carried out? I did not understand the question.

Q The suggestion which you claim that Ribbentrop made to Himmler. That suggestion was never carried out, was it?

A So far as I know--that did not go through me--Ribbentrop turned directly to the foreign countries. I also do not know what answer he received from the foreign countries.

Q Well, so far as you know, nothing ever came of that suggestion, correct?

A No, nothing came of it.

Q And, as a matter of fact, you know that Ribbentrop and Himmler were not on good terms anyway, do you not?

A Yes.

Q That was a matter of common knowledge to everybody, wasn't it?

A Yes; the enmity became larger as time went on.

Q So far as you know, did Ribbentrop take bromides every day?

A I don't know.

Q You never saw him taking any?

A It could be, I don't know.

Q Well, did you ever see him taking any, or did he ever tell you that he was taking them?

A Yes, I remember now, there was something about that, but I didn't pay much attention to it.

THE PRESIDENT: Do we have anything to do with whether he took bromides?

COLONEL AMEN: Yes, your Lordship, we will, because in his interrogations he claims that his memory as to many of these events has been obscured or removed by the over-use of such medicine.

THE PRESIDENT: All right.

BY COLONEL AMEN:

Q Now, witness, were you incarcerated at one time at a place known as "Ash Can"?

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A Muelleimer?

Q Outside of Luxembourg.

A I don't exactly remember.

Q Near Luxembourg.

A I don't remember ever having been incarcerated in Muelleimer.

Q After you were taken prisoner, where were you incarcerated?

A Mondorf.

Q For how long a period of time?

A In toto, eleven weeks in Mondorf.

Q And at that time were numerous of the defendants in this case also incarcerated there?

A Yes.

Q And while you were there you were free to have conversations with some of the inmates?

A Yes.

Q And you did, from time to time, have such conversations? Right?

A Yes. I was not together with them all the time, because I was in a different camp.

Q Now, in the course of your conversations with one or another of the inmates there, did you make the statement which I am about to read to you, either in exact words or in substance? Do you understand the question? "Ribbentrop is lacking in any notion of decency and truth. The conception does not exist for him." Please answer "yes" or "no". Did you say that, witness? Did you say that?

A I should be thankful if you would repeat that precisely what I am supposed to have said.

Q Now remember, I am asking you whether you said it either in the exact words or in substance. Do you understand that?

A I didn't precisely understand the German translation of your question.

Q Do you know understand it?

A I repeat, I didn't understand the German translation of it.

Q Yes, but do you understand my question, namely, that you are to say whether you used these exact words or some other similar words? I will now read it to you again. Do you understand?

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A Yes; I should be thankful.

Q "Ribbentrop is lacking in any notion of decency and truth. The conception does not exist for him."

A I cannot recall that I ever made any such statement. I should like to know to whom I made it.

Q Do you deny having made that statement, or is it simply that you can't remember whether you did or not?

A I cannot remember having said that.

Q Is it possible that you did?

A It could be that in some context or other I made some such statement, yes.

COLONEL AMEN: Very good.

THE PRESIDENT: Do the other prosecutors wish to ask any questions?

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BY GENERAL ZORYA:

Q. I shall limit myself only to a few questions for the sake of saving time. Inasmuch as I could understand the translation of your testimony yesterday, you testified to the fact that the German foreign policy was conducted not only by the foreign ministry but other people in other institutions affected it as well, did you not?

A. Yes.

Q. Tell us who of the defendants whom you see now in the dock attempted to influence and influenced the German foreign policy?

A. Foreign policy was, of course, after the beginning of the war --

Q. I ask you not to make any declarations here in regard to foreign policy of Germany but just to indicate precisely, in answer to my question, who of the defendants of the present trial attempted to influence and influenced the German foreign policy?

A. The basic lines of foreign policy were determined solely by Hitler. The fact that we had occupied many countries and occupied the most various sorts of positions in these various countries --

Q. We know all that. I ask you to indicate who of the defendatns, naming them, attempted to influence and influenced or affected the German foreign policy. Do you understand my question?

A. Foreign policy in Germany, as I stated yesterday, was conducted solely by Hitler; but these people who were appointed to the special offices, of cours had some influence in one direction or another -- for example, anyone who had a special job concerning the police carried that out; likewise the same for work problems. The same is true of the other sectors.

Q. Once again you didn't answer my question. I ask you to tell us -- independent of the size and shape of the influence -- who of the present defendants attempted to influence and influenced in one way or another -- who were those besides the members of the foreign office?

A. I assume that you asked this question in relation to Russia; and since the foreign office, after the entrance of German troops into Russia, was no

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longer competent in Russia --

A. I ask you to understand my question precisely and answer it precisely; Who of the defendants, in what way, was attempting to influence this foreign policy, even though he himself had no personal relations with the foreign office?

A. The eastern ministry, as regards Russia, because that was competent in these matters --

Q. No, not in relation to Russia.

A. In Norway Terboven carried on the policy. He, of course, influenced Hitler in his attitude toward Norway and Norwegian problems; also, the individual chiefs of the various governments in the various countries, so far as they could reach Hitler with their reports.

BY THE PRESIDENT:

Q. We don't want you to make speeches; we want you to answer the question. You weren't asked who influenced the foreign policy, but who of the defendants influenced foreign policy. You may say none, or you may say some. It is a question that you must be able to answer.

A. I should like to assume that Rosenberg had something to say about Russia, Frank something to say about Poland, Seyss-Inquart regarding Holland. Other matters touched only special sectors. The SS certainly had something to say; no doubt the Wehrmacht, also the various other offices. They all wanted to have a certain influence. However, the basic policy was still conducted by Hitler.

BY GENERAL ZORYA:

Q. Wouldn't you name Goering in this connection?

A. Goering carried on the Four-Year Plan and in this capacity must also have had a certain influence.

Q. What did this influence consist of?

A. There again I must say that I and the foreign office had nothing to do with Russia and that this was most strictly forbidden; and even in the question of propaganda and press we were permitted in no way to exercise or carry out any activity. For this reason I am particularly poorly oriented

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regarding Russian matters.

Q. And now, so far as other questions besides Russia, did he have any influence over those questions?

A. I didn't understand the German translation.

Q. Besides Russian questions, did Goering have any influence in the realm of foreign policy so far as other questions are concerned?

A. I should like to say that until the year 1938 he had an influence over foreign political matters on Hitler.

Q. You testified that in June 1944 the foreign ministry was also participating in preparation for an anti-Jewish congress which was supposed to be called in Prague. I ask you to reply shortly, yes or no.

A. Yes.

Q. Do you know who were supposed to be the honorary members of this congress?

A. Probably there were many.

Q. And who else from among the defendants?

A. I really can't remember. As far as I remember, however, Rosenberg and a large number of other leading persons; but I can't recall their names any longer. But there is written material on this subject, so that that could be ascertained without much trouble.

Q. Did Ribbentrop attempt in one way or another to protest having his name included in the roster of the honorary members of this congress?

A. So far as I can recall it was very unwillingly that he took this post, but I do not believe that it was his intention really to take any active part in this matter.

Q. Inasmuch as I understood you, recently you testified to the fact that between Ribbentrop and Himmler there was a certain animosity?

A. Bad relations, yes.

Q. Can you tell us whether between Ribbentrop and Himmler there was any contact in their work and whether they maintained this contact and cooperation in any phase of their work?

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A. In point of fact, there was no real working contact such as could be expected of a modern state. Of course, there were on occasion matters that touched both of these men, and to that extent they did have contact.

Q. In what manner did this contact exist?

A. It consisted really only in this: that Ribbentrop or Himmler every other month or so got in touch with each other. Besides that we have a liaison man in the foreign office to the Reichsfuehrer SS -- in other workds, Himmler.

Q. Then how can it be explained in connection with this had relation that you just mentioned now that existed between Himmler and Ribbentrop?

A. I assume you are referring to the second question I answered. In any normal state the arrangement was made that at least the ministers saw each other once a year and exchanged opinions with each other. This, however, did not take place. But since, as we have already heard at some length, the fields of jurisdiction overlapped to a great extent and the activity of one man touched very closely on the activity of another, thus it was necessary whether one wanted it or not that there would be a connection.

Q. Did I understand you correctly that Himmler and Ribbentrop didn't meet each other?

A. They met perhaps once every three months; it could have been four months. Theymet usually only when both Ribbentrop and Himmler were accidentally simultaneously visiting Hitler.

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Q And there were no special meetings? There was no business contact among them personally, was there?

A Actually not, no.

Q I would like to present to you Document USSR 120, which was already presented as evidence to the Tribunal.

THE PRESIDENT; What was the number you gave?

GENERAL ZORYA: USSR 120.

BY GENERAL ZORYA:

Q You see this is an agreement between Ribbentrop and Himmler in regard to the organization of Intelligence. Are you familiar with this agreement?

A Yes.

Q Evidently contact between Himmler and Ribbentrop was closer than what you wanted to describe here.

A I do not believe that I wanted to create an impression other than the one that actually existed. This refers to Hitler's order of the 12th of February 1944. On the basis of this order, Himmler took charge of all the activities in foreign countries without the participation of the Foreign Office, and after he had become the successor of Canaris, he reached through this order a superior position as regards the foreign countries. And if in one way or another we had not tried to have some contact with this organizatio then the Foreign Office would, even in foreign countries, have had no influenc at all. We had to fight vigorously for this document, for on the basis of thi document Himmler was, first of all, under obligation to communicate to us the information that he brought to Germany. Otherwise he brought these reports in without telling us about them. That was the reason why we reahce this working agreement. But so far as I recall, it was of no practical consequence, because the order of Hitler's on the 12th of February 1944 took place, and the agreement was not drawn up until later. That must be the general situation as regards this paper. It lasted quite a while.

Q You say that this agreement after all was never valid?

A No, I don't say that. An agreement becomes effective when it is signed, but for practical purposes it was not in effect, or hardly so.

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Q I think that the Court will be satisfied with your answer and we can go over to other questions.

Did you ever have a chance to come in contact with the defendant Kaltenbrunner?

A Whether I came into contact with Kaltenbrunner? Yes.

Q In regard to what questions?

A In the case of the questions that the Papal Nuncio directed to me, and from people who because of the "Nacht und Nevel" law had been transported from foreign countries and who could give me no information, I turned privately to Kaltenbrunner and pointed out to Kaltenbrunner that this order was inhuman. Kaltenbrunner then, frequently and obligingly, gave me information and I, contrary to the orders, transmitted this information further, because I held that to be humane. Those were the main points of contact between me and Kaltenbrunner.

Q In particular, did you ever have a conversation withhim in regard to the question of Danish policemen who were incarcerated by the Gestapo in the concentration camp without any definite charges? I ask you to answer yes or no.

A Yes.

Q In one interrogation you testified--an interrogation conducted by an American interrogator--that in spite of the fact that these Danish policemen were returned to Denmark , still they were subjected to very bad treatment.

A Yes.

Q What was this ill treatment?

A I found out at that time, I believe through the Danish Ambassador, that 1600 Danish policemen--

Q (Interposing) I asked you to be precise and brief. What was the manner of this ill treatment of the Danish policemen who were incarcerated without having any charges presented to them?

A These policemen were transported from Denmark. As soon as I found out about that, I went to Kaltenbrunner and asked him to treat these people as civilian internees under any circumstances and not as prisoners of war.

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Q You still do not answer my question. What was the manner of this ill treatment of these Danish policemen?

A I assume that you want to know whether Kaltenbrunner personally carries the responsibility for this. For this I must tell you what I was about to tell you.

THE PRESIDENT: Will you answer the question? It was repeated. You must understand what the question is: What was the bad treatment? Either you know or you don't know. If you know, you can say.

THE WITNESS: So far as I remember, ten percent of these prisoners died.

BY GENERAL ZORYA:

Q That is all you can tell us about this question?

A Regarding details of this ill treatment that were communicated from Denmark to me, namely, that the people could not keep their uniforms and had to wear concentration camp clothes, that these clothes were too thin, and that the policemen died of tuberculosis frequently; also, the food was not sufficient. I did not find out any more at that time. Oh, yes, also they received whippings.

Q Tell us, please, witness, did you ever have a chance to observe defendant Sauckel's activities?

A I came in touch with his activities only so far as we objected that so many people were being brought to Germany coercively from foreign countries.

Q Don't you recall one of the conferences in which Sauckel participated and where you were present? You also testified about this conference during one of the interrogations before this trial. Do you remember that you testified that there were measures which were used while recruiting manpower in Russia and other countries that are beyond description?

A I didn't understand the question.

Q You testified during this interrogation of the 28th of September 1945.

A Yes.

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Q And here is the verbatim record, and I quote:

"However, the measures which were used while recruiting manpower in Russia and other countries are beyond description."

Do you remember this testimony?

A I still make that statement, yes.

Q You confirm this? All right, will you list briefly what were those measures that were beyond description? What were the measures that were used by Sauckel while recruiting manpower in Russia and other countries?

A I know of only one case that was reported to me at that time. It was a question of the fact that in a certain sector people were invited to a theater performance. The theater was closed and surrounded, and the people in it were brought for forced labor to Germany.

GENERAL ZORYA: I have no further questions.

COLONEL POKROVSKY: May I have the permission to ask one more question, rather to get more precise information from the witness on a question that was already asked him?

THE PRESIDENT: Colonel Pokrovsky, the Tribunal has already indicated that it wishes the cross examination to be cut down as far as possible, and it really cannot hear more than one counsel on behalf of each of the four countries. It doesn't wish to hear one on behalf of each of the four countries. I am afraid we can't hear any further cross examination from you.

COLONEL POKROVSKY: This is not a new question, sir. The witness didn't answer the question which was repeated to him several times.

THE PRESIDENT: It is a new counsel though.

COLONEL POKROVSKY: The Soviet prosecutor asked the witness the question, who of the defendants influenced the foreign policy of Germany. The witness replied "The Armed Forces."

THE PRESIDENT: I am sorry, Colonel Pokrovsky, but I have given you the Tribunal's ruling. We cannot hear more than one counsel. I hope, as I say, that the prosecutors willmake their examination as short as possible.

M. FAURE: This witness having been already interrogated at considerable length, I wish only to ask a very short question.

BY M. FAURE:

Q Witness, I should like you to say precisely, arising from your

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declarations, that the Embassy of Germany in Paris was under the authority of Ribbentrop and depended only on him; is that correct?

A I did not understand the German translation of that question.

Q Do you still state, from your declaration, and from what you know about the German Embassy in Paris, that it was under the authority of Ribbentrop and that it depended only on him?

A Yes.

Q It was inevitable that every important measure taken by the Embassy would have to be known by the accused Ribbentrop?

A Yes.

M. EDGAR FAURE:

I should like simply to have this point made more clear in view of the interrogatory of the witness, and I have no further questions to ask.

THE PRESIDENT: The Tribunal will adjourn until 2:00 o'clock.

(The Tribunal adjourned until 1400 hours.)

Filed

H0094-0050

Official Transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, defendants, sitting at Nurnberg, Germany, on 27 March 1946, 1400-1700, Lord Justice Lawrence presiding.

DR. KAUFFMAN (counsel for defendant Kaltenbrunner): Mr. President, I ask you to permit me to ask one question which I could not ask before. The Russian prosecutor asked whether the witness had talked with Kaltenbrunner regarding the question of Danish policemen. I should like to make it perfectly clear how Kaltenbrunner behaved. I simply want to ask this one question.

THE PRESIDENT: Yes, Dr. Kauffmann.

BY DR. KAUFFMANN:

Q Witness, you will please tell the Tribunal how Kaltenbrunner behaved when you discussed with Kaltenbrunner the question of the Danish police who were badly treated; what did Kaltenbrunner do; how did he behave?

A The question is perhaps not correctly put. These Danish policemen were inhumanly treated, but they had just been turned over to the concentration camp. So the moment I found out about it I went to Kaltenbrunner and told him that someone must have put these people in a concentration camp, and that they must either be treated as prisoners of war or as civilian internees. Kaltenbrunner listened to me and he was also of that opinion, and he in my presence gave the order that these people should be transferred from the concentration camp to a prisoner-of-war camp. I therefore assumed that the matter was thereby settled but found out after two weeks that they were nevertheless still in the concentration camp. I turned again to Kaltenbrunner and Kaltenbrunner said he couldn't understand why this was so. I couldn't either, since it was in my presence that he had issued the orders. Subsequent negotiations were carried on regarding this matter. We had the impression that influences were at work so that Kaltenbrunner's orders were not carried out.

Q Was he against this inhuman treatment?

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A He said again and again that he was in favor of their being transferred to a prisoner-of-war camp.

DR. KAUFFMANN: No further questions.

THE PRESIDENT: Dr. Horn, do you wish to reexamine this witness?

DR. HORN: I have no further questions to put to the witness.

BY THE TRIBUNAL (Mr. Biddle):

Q Witness, was Ribbentrop in favor of violating the Treaty of Versailles or was he opposed to that?

A I should like to say--

Q Could you say yes or no and then explain later?

A He wanted a change in it.

Q Was Ribbentrop in favor of the reoccupation of the Rhineland?

A At that time I did not know Ribbentrop and consequently can not answer that question.

Q Was Ribbentrop opposed to rearmament?

A I didn't know him at that time so I can't answer that question. I assume the first time, in 1936.

Q Was he in favor of the Anschluss?

A That I assume he was.

Q Was he in favor of the Tripartite Pact?

A Yes.

MR. BIDDLE: That is all.

THE PRESIDENT: Then the witness may retire.

DR. HORN: I presented yesterday a document and concluded that presentation with the presenting of Ribbentrop Exhibit No. 10. In this document on page thirty-five of the document book I proved that von Ribbentrop had conducted his foreign policy according to Hitler's foreign-policy line. I should like with the following documents to prove what foreign political situation Ribbentrop found when he took office in February of 1938. I ask the Court to consider the following documents, the numbers of which I can communicate to the Tribunal without its being necessary for me to read anything from them, but so that I may laterrefer to them in my presentation.

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DR. HORN: The first of these documents is document Ribbentrop Exhibit 14. It is a question here again of an extract from the Documents of German Policy, volume 1, and carries the heading "Proclamation of the Reich Government to the German People" on 1 February 1933. This document describes briefly Germany's position at that time and proclaims the intentions of the government that came to power on the 30th of January 1933.

The next document that I ask the Tribunal to take judicial notice of, is document Ribbentrop, Exhibit 15. This document is again in the first volume of the Documentsof German policy. It carries the title "Adolf Hitler's Address on the Occasion of the Inauguration of 21 March 1933, in Potsdam." In this document, too, basic expositions are made regarding the internal and external policy of the new government.

I submit as the next, document, Ribbentrop Exhibit No. 16, and ask the Tribunal to take judicial notice of it. Again, it is a document from the above-mentioned volume 1 of the documents of german policy. It is headed "Adolf Hitler's Speech on His Program at the Meeting of the Reichstag in the Kroll Opera House on 23 March 1933."

I ask the Court to take juficial notice of the next document, Ribbentrop Exhibit No.17. It is again an excerpt from the documents of German policy.

COLONEL POKROVSKY: I would not like to interrupt Dr. Horn, but not one single document among those which he now mentions, beginning with No. 14, and as far as I understand, until No. 44, inclusive, it was not put at the disposal of the Soviet Prosecution and I cannot see any possibility of aiding the Tribunal in the study of this document until we have received them. I suppose that the Tribunal will judge it necessary to put off the studying of these documents until the Soviet Prosecution have received them.

DR. HORN: May I give a short explanation. I have asked to what extent the translations have progressed. Three weeks ago I gave my documents in and they were read in the regular way, the last of them about ten days ago. I was informed that the translation division unfortunately had too few Russian and French translators to translate the documents in these two languages as far as they have done so in theothers. It is, of course, a matter of course in a sphere in which I have no influence.

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THE PRESIDENT: Dr. Horn, the Tribunal appreciates that you have done what fulfills the obligations which rested upon you and they, therefore, think that the documents should go in, subject of course to any objection being taken to them when the translations are available.

DR. HORN: I have already this morning informed Dr. Pokrovsky that this was the case and that I did not know what documents had been translated for the Russians; that was as far as I could go personally because the matter there upon lay outside my sphere.

MR. DODD: If your Honor please, I wonder if it would be possible for Dr. Horn to very briefly indicate the purpose for which he offers these documents as they come up. We will have objection to some, I know, but some of that objection may be clarified if we hear beforehand just what the purpose of the offer is.

THE PRESIDENT: Mr. Dodd, Dr. Horn is putting in a large number of documents at the present moment and asking the Court to takejudicial notice of them and if the prosecution finds that there is something specific that they want to object to, wouldn't it be best that they should do it hereafter?

MR. DODD: I thought it might be of assistance and save us from rising very often if he gave us some idea or some purpose of which the offer is made.

THE PRESIDENT: I think it would take longer, probably.

DR. HORN: May I make a short statement on this subject? Since 1933 my client has occupied official positions that were closely associated with foreign policy. The direction of foreign policy that had as its aim the waging of an aggressive war, has been charged against him. I now submit documents that are to demonstrate how this policy actually developed and to demonstrate that the Defendant Ribbentrop made continuous and earnest efforts to avoid a war of aggression; for example, Ribbentrop Exhibit No. 17, which I ask the Tribunal to take judicial notice of, it is in the document book on page 40 and contains a speech of Hitler's before the German Reichstag on the National Socialist Peace Policy of 17 May 1933.

THE PRESIDENT: Yes, go on Dr. Horn.

DR. HORN: This document of the 17th of May, 1933, I put this document

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in as proof of Germany's general will to disarm and as proof that the Reich Government mad e effbrts to bring about general peace in Europe.

As to the next document, I ask the Court to take judicial notice of Ribbentrop Exhibit No. 18. Again, a document from the same collection and is headed "Treaty of Understanding and Cooperation of the 15th of 2July 1933", known in brief as the "Four Power Pact". It is on page 42 of the document book. This Four Power Pact was inspired by Mussolini and was to take place between Germany, France, England, and Italy. Its purpose was general disarmament and above all, to make effective the revision article in the Treaty of Versailles. This treaty did not come about because France did not ratify it.

As to the next document, I submit Ribbentrop Exhibit No. 20, and ask the Court to take judicial notice of it. This is a "Proclamation of the Reich Government to the German people in connection with leaving the League of Nations." It is dated 14 October 1933. This proclamation, on the part of the Reich Government, ascertains the failure of thedisarmament conference and explains Germany's reasons for resigning from theLeague of Nations. In connection with this proclamation, Hitler on the same day held a speech over the redio in order to justify German's withdrawal from the League of Nations. I submit this to the Tribunal as Ribbentrop Exhibit No. 21, and ask the Tribunal to take judicial notice of it. The speech is on page 45 of the document book.

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In order to justify that foreign policy at that time, or to corroborate that justification, Reichspresident von Hindenburg, on the 11th of November 1933, delivered a speech to the German people. The corresponding proclamation is Ribbentrop Exhibit No. 22 and is on page 46 of the document book. It put it in evidence and ask that the Tribunal take judicial notice of it.

I further ask the Court to take judicial notice of Exhibit 24 in which the results of the election are made public. It is on page 49; also, the text of the election leaflet.

In the course of its foreign policy, on the 18th of December 1933, Germany issued a German Memorandum on Disarmament, regarding the question of disarmament. I ask the Court to take judicial notice of this as Ribbentrop Exhibit No. 25.

The next document is on page 51 of the document book and describes the course of the disarmament negotiations and Germany's attitude towards these negotiations. I submit it as Ribbentrop Exhibit 26 and ask the Court to take judicial notice of it. The document is on page 51 of the document book, and is headed "The German Memorandum of 19 January 1934."

The German view on the subject of disarmament is again set forth in the document Ribbentrop Exhibit No. 27, on page 53 of the document book, and is entitled "German Memorandum of March 13, 1934." I ask the Tribunal to take judicial notice of this document.

The German Government answered an English disarmament memorandum on 16 April 1934 with an Aide Memoir of the German Reich Government to the English Government. I ask the Court to take judicial notice of this document which I submit as Ribbentrop Exhibit No. 28.

In the course of the disarmament negotiations, France, in the year 1934 suggested a pact which is known under the name of the Eastern Pact. Regarding this Eastern Pact, Germany expressed its view in a communique of the Reich Government. It is on page 56 of the document book. The date is 10 September 1934. I have given it the number, Ribbentrop Exhibit No. 30. We again request that the Tribunal take judicial notice of it.

The next document is on page 57. I put it in evidence and ask the Tribunal to take judicial notice of it as Ribbentrop Exhibit No. 31. This is from the Documents of German Policy, Volume 3, and is the reply of the Reich

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Government of 14 February 1935 to the suggestion for an air pact. Germany took the following attitude toward this air pact, and I read from this excerpt, paragraph 2:

"The German Government welcomes the proposal to increase safety from sudden attacks from the air by a convention to be concluded as soon as possible, which contemplates the immediate use of the air forces of the signatories in favor of the victims of an unprovoked air attack."

In the year 1935, general military service was reintroduced into Germany. On this occasion, the German Government published a proclamation to the German people. This proclomation is on page 59 of the document book. It carries the number Ribbentrop Exhibit No. 33. I submit this excerpt from the proclamation.

As Ribbentrop Exhibit 34, I submit a communique of the German Reich Government of 14 April 1935 on Germany's attitude toward the Eastern Pact. It is on page 61 of the document book and I ask, without my reading anything from it, that the Tribunal take judicial notice of it.

The reintroduction of general conscription was regarded by the signatories of the Versailles Treaty as an infraction of it. The states protested against the reintroduction of conscription in Germany. This protest was answered by a protest on the part of the Reich Government against the decision of the Council of the League of Nations on 17 April 1935. This protest is on page 63 of the document book. I have given this document the number Ribbentrop Exhibit 35, and ask the Tribunal to take judicial notice of it.

In this document, the German Government challenges the decision reached by the Council of the League of Nations, challenges the right of these people to pass judgment on Germany. Germany points out that this attitude on thepart of the Council is a manifestation of renewed discrimination against Germany and consequently repudiates it.

I turn now to Ribbentrop Exhibit No. 36 which is on page 64 of the document book. This is the German Memorandum to the Locarno Powers of 25 March 1935, concerning the incompatibility of the Soviet Pact with the Locarno Treaty. Ribbentrop actively participated in the negotiations that took place in the drawing up of the statement of Germany's attitude on this matter. I ask the Court to take judicial notice of it because it contains Germany's legal attitude toward this problem.

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A further memorandum to the Locarno Powers is to be found on page 68 of the document book and it again exposes briefly the incompatibility of the Soviet Pact with the Locarno Treaty. This memorandum was also given to the Locarno Powers. Its date is 25 May 1935 and I ask the Court to take judicial notice of it.

In order to prove Germany's willingness for peace, this memorandum was preceded by a speech of Hitler's before the Reichstag on 21 May 1935. Ribbentrop at the same time submitted a German statement on disarmament to London. I ask the Tribunal to accept this as Ribbentrop Exhibit No. 37. It is on page 69 of the document book.

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As the next document to prove that Germany made efforts for disarmament and the reduction of armaments, I submit Ribbentrop Exhibit Number 38, on page 77 of the document book. This is the Anglo-German Naval Agreement of 18 June, 1935, in which Ribbentrop played a decisive role and for the ratificati of which Ribbentrop made very particular efforts. He particularly brought the French Government, by efforts on his own part, to the point of agreeing to this Treaty which was necessary because this naval agreement would have brought about a change in Part V of the Versaille Treaty, the part that is concerned with reduction in armaments.

Ribbentrop succeeded in persuading the French Government to give its approval to this agreement. This is Ribbentrop Exhibit Number 38. I ask the Tribunal to take judicial notice of it.

I might say in this connection that this treaty was at that time, both by Ribbentrop and Hitler, considered the keystone of an exhaustive understanding between Germany and England. During the following years, as well as during his time as Ambassador in London and also as Foreign Minister, Ribbentrop made repeated efforts to bring about such a pact of agreement between Germany andEngland.

As the next document I submit Ribbentrop Exhibit Number 39, which is on page 79 of the document book.

In view of the reoccupation of the Rhineland the German Government found itself compelled on the 7th of March, 1936, to make clear its attitude through a memorandum of the German Government to the signatory powers of the Locarno Pact. This point of view is stated in document number 39. I ask the Tribunal to take judicial notice of it.

The occupation of the Rhineland led to protests by the countries interested in it. Ribbentrop replied to this protest with a speech before the League of Nations. This protest, which I submit as Ribbentrop Exhibit Number 40, and which is on page 83 of the document book, I again ask the Tribunal to take judicial notice thereof.

As the next document I put in evidence Ribbentrop Exhibit Number 41, on page 84 of the document book. I ask the Tribunal to take judicial notice of it. It contains the last peace proposals on Germany's part in connection with

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disarmament plans at that time. It is headed "Peace Plan of the German Cabinet of 31 March, 1936."

In subsequent years Germany made repeated efforts to bring about a reduction in the likelihood of war.

In the year 1937 German and Italian relations became closer and closer and in connection with these relations, Hitler on the 30th of January, 1937, on the fourth anniversary of the National Socialist revolution, delivered a speech in the Kroll Opera House in Berlin, and he made a proposal that Germany and Italy should draw up a treaty. I ask the Tribunal to accept this as Ribbentrop Exhibit Number 43. It is on page 88 of the document book.

In this document the clear statement is again made asking that the clause in the Versailles Treaty blaming Germany for the First World War be withdrawn. I read from this document, as follows:

"I therefore formally withdraw Germany's signature to that statement that was signed by the weak German Government at that time which states that Germany was guilty of the war."

THE PRESIDENT: Are you referring to Exhibit 44?

DR. HORN: I was referring then to Exhibit Number 43, page 88.

THE PRESIDENT: There was some passage you read in it which does not appear to be translated here.

DR. HORN: Did I understand you to say that there was no English translation of it?

THE PRESIDENT: Well, I am not quite sure. I did not catch it myself. Did you read anything which is not in the document book?

DR. HORN: No, Mr. President, I read what is in my document book. It is on page 88, paragraph three and it is the paragraph that begins, "And fourthly --"

THE PRESIDENT: Third, isn't it?

DR. HORN: Yes, paragraph three of the sentence beginning, "Fourthly --"

(Interpreter: However, I do not believe that is in the English translation.)

DR. HORN: I come now to Ribbentrop Exhibit Number 44, on page 90 in the

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document book. This document contains the German note on Belgian inviolability, dated 13 October, 1937.

This document is, in view of the events of 1940, of importance and in order to make clear the German view I should like to read the last paragraph, which in my document book is on page 91, and which is headed "II". I quote:

"The German Government asserts that the inviolability and territorial integrity of Belgium are of common interest to the western powers. It confirms its determination not to impair that inviolability and integrity under any circumstances and to respect Belgian territory at all times, excepting of course, in the case of Belgium collaborating in an armed attack directed against Germany in which Germany would be involved."

I ask that this be taken judicial notice of.

That concludes those documents which are the basis of my brief and serve to explain the foreign political relationships that Ribbentrop found when he took over his office as Foreign Minister. When the time comes I shall refer to these documents.

THE PRESIDENT: Have you filed them in Courtwith the secretary?

DR. HORN: Yes. In connection with yesterday's discussion I signed these documents and gave them to the general secretary.

The next documents that I submit serve as substantiation of what I shall say later regarding Ribbentrop's participation in the policy that led to the Anschluss with Austria.

I should like to refer, first of all, to the document 386-PS, already put in by the Prosecution, and which is contained in my document book.

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I am unfortunately not in the position to tell the Court what the page numbers are because we have not yet received the document book from which I am now to cite. This document follows Ribbentrop Exhibit No. 44, which is on page 90 of the document book.

THE PRESIDENT: Exhibit No. 44 is the last document in the second document book. There are not any more, are there? There are not any more.

DR. HORN: I was informed today that the English document book was finished and had been given to the Tribunal. We unfortunately have not received a copy, so I cannot give you the pagination.

THE PRESIDENT: Well, I am afraid that we do not have it. We have only these two and the last exhibit in the second book is No. 44, which you have just read. If that document has already been put into evidence, it is not necessary for you to produce it. You can say that you rely upon it. That is all that is necessary.

DR. HORN: But I believe that we must immediately decide the question as to the continuation of my presentation. I want to make clear that after the Tribunal had ruled on the way in which documents were to be presented, I immediately submitted my documents to the Tribunal in a prescribed way, in that I gave them my document books with my signature. The translation department was unable to keep up, and I am now in the unfortunate position of being unable to provide the Tribunal with the assistance of the translation. Should I then continue my presentation without it?

THE PRESIDENT: Yes, Dr. Horn, we think you had better go on. Just notify us what the documents are and whether they are already in evidence or whether you are offering them in evidence now. You have told us 386-PS, but we can take a note of the fact that that is already in evidence. I do not know whether all your other documents are documents which are already in evidence or whether there are any documents which are not in evidence or whether they are documents which you are now going to offer in evidence.

DR. HORN: The following documents are new. As to 386-PS, I should like to say that Ribbentrop was not one of those who were present. This document is the well known Hoszbach document, and Ribbentrop found out about it only here in Nurnberg.

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The next document to which I wish to refer is Document No. 2461-PS, already submitted by the Prosecution, the official communication regarding the meeting between Hitler and Schuschnigg in Berchtesgaden on the 12th and 15th of February, 1938. I refer to this document to prove to what extent Ribbentrop participated in this discussion.

The next document to which I refer and of which I ask the Tribunal to take judicial notice is Ribbentrop Exhibit No. 11, which is in the document book.

THE PRESIDENT: Dr. Horn, the Tribunal does not think it is really necessary for you to refer to any documents which are completely in evidence already unless you are going to read some passage in them and rely upon some passage in them which has not already been read. I mean, supposing that the Prosecution read a particular sentence out of a particular document and you want to refer to some other sentence in it, then it will probably be right for you to indicate that but, if the document has been read in full, any further reference is a mere matter of argument and is not really a matter of evidence, and you will be at liberty, you see, to argue it whenever you come to make you speech. So that, I mean, as a matter of time saving, it would not be necessary to refer us to 386-PS or 2461-PS unless there is some passage in them which you rely upon and which has not been read by the Prosecution..

DR. HORN: Very well. I may now turn then to Ribbentrop Exhibit No. 11 and ask the Tribunal to take judicial notice of it. It is an agreement between the German Reich Government and the Austrian Federal Government on the 11th of July, 1936. When, on the 12th of February, 1938, Ribbentrop went with Hitler to Berchtesgaden to have a conference with Dr. Schuschnigg, then chancellor of Austria, he had not known that Hitler's plans had deviated between the plans of 1936 between Germany and Austria, and he conducted his discussion with Schuschnigg in the spirit of the agreement of 1936. In this contention after one month the Anschluss with Austria came about. As proof that this Anschluss corresponded to the wishes of the Austrian population, I refer to Ribbentrop Exhibit No. 12, of which I ask the Tribunal to take judicial notice. It is the result of the national plebiscite to the greater German Reichstag of the 10th of April, 1938. From this document it is to be seen that

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at that time in Austria, 4,400,000 people had the right to vote. 4,400,000 people voted and 4,400,000 voted for the Anschluss, and only 11,000 voted against it.

THE PRESIDENT: Do we have this document? We do not have it

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in our books. Does the clerk have it?

DR. HORN: It is in the document book as Ribbentrop Exhibit No. 12.

THE PRESIDENT: Well, it goes from ten to fourteen for some reason. Let me look at it. There is some mistake, apparently. It has not been copies, that is all. It is not in our books, but here it is, so it is all right. Go on.

DR. HORN: It is to be seen in this document that the Austrian people voted for it. 99.73 per cent of all votes cast expressed their desire for the Anchsluss.

As to the next document, I submit Ribbentrop Exhibit No. 13. I ask the Tribunal to take judicial notice of it. I submit this document, Ribbentrop Exhibit No. 13, as proof that, as developed in later negotiations, the Anschluss would not have come about had it not been for the cooperation of the English Government. I should like as proof of this to read the following from this document, Exhibit No. 13. This is a statement by Undersecretary of State before the House of Commons, and it reads as follows. The beginning of it was held on the 14th of March, 1938.

"The English Government has negotiated with friends of the Geneva Convention the new situation and they are unanimous that a discussion of the Austrian situation could lead to no satisfying results, but that the result would probably be another humiliation. The Undersecretary of State stated that England had undertaken no special guarantees for the independence of Austria, which is forced upon it by the Treaty of St. Germain."

I ask the Tribunal to take judicial notice of this document. In connection with this, there took place the reunion of Austria as set down in the law of 19 March 1938, which also was signed by Ribbentrop.

Herewith I end the submission of those documents of mine that are related to the question of Austria. I could now --

THE PRESIDENT: Just a minute, Doctor. Dr. Horn, the only desire of the Tribunal is to save time and we observe from the index in your document book that there are, I think, over three hundred separate documents upon which you wish to rely, and most of them appear to come from the various books, the German White Books, which the Tribunal provisionally allowed to

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you. Would the most convenient course not be for you to put them in in bulk, saying that you are putting in Exhibits 44 to 314, or whatever it may be, rather than simply detail each document by its number? If there is any particular passage which you want to read at this moment, you can do so; but it seems unnecessary to take up time simply to give each exhibit number, one after the other.

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DR. HORN: Very well, Mr President, I shall mention these numbers, from such and such to such and such and when it is a matter of a specific number I shall mention that and ask the Court to consider it.

THE PRESIDENT: Yes.

DR. HORN: I may turn now to the question of Czechoslovakia. The American Prosecutor stated in his presentation that this conclu ded a course of events that strikes me as one of the most wretched chapter in the history of relations between peoples -- the destruction of the weak and small Czechoslovak people, I read a few chapters from Lord Rothermere's book, "Warnings and Prophecies," which was also cited by the Prosecution. It is Ribbentrop Exhibit No. 45 --

THE PRESIDENT: Did the Tribunal allow Lord Rothermere's book?

DR. HORN: The Tribunal allowed it andneven put at my disposal an English copy, which I herewith hand to the Court.

THE PRESIDENT: You remember that the question of admissibility was to be finally determined when each book is offered in evidence, and I think you will remember that the Tribunal stated in one of its orders that the opinions of particular authors upon matters of ethics, history and events would not be admitted.

Lord Rothermere is apparently an author and was not a member of the British Government, and therefore, unless there is some very particular reason, it wouldn't appear that his books or statements in his books are in any way evidence.

DR. HORN: It is a question here of any sort of polemic --

THE PRESIDENT: No, but you see, the distinction which exists is this: The Tribunal under Article 21 is directed to take judicial notice of official government documents, reports, and so forth. This is not an official report or a government document. You say it is factual, it is evidence. It isn't evidence, for the purpose of this Tribunal, of any facts stated in it. So far as it is facts, it isn't evidence of the facts, and so far as it is opinion, it is Lord Rothermere's opinion.

Well, Dr. Horn, can you tell me what you want to prove by it?

DR.HORN: I should like to prove, first, a few historical facts; secondly

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that the difficulties which are to be found in Czechoslovakia led to a showdown with this German minority and consequently with the German Government. I want to provide you with the reasons and motives that led to the incorporation of Sudetenland into Germany.

MR. DOOD (for the United States):

If your Honor pleases, on behalf of the United States, I wish to object very strenuously to this offer, but for the very reason given by Dr.Horn in the first place, and for the reasons given secondly, if I understood the translation correctly. I understood him to say in the first place it was offered to prove there was no such thing as a Czechoslovak people. I think that is a matter that cannot properly be raised here before this Court. We object furthermore for the reasons given in the second explanation by Dr. Horn.

DR. HORN: May I again point out that herewith I wish to prove the motives that led to the separation of the Sudetenland in 1938. If I wish to adopt an attitude toward this question and adjudge it, I must also be able to adopt an attitude toward the motives. This is a prerequisite for any sort of legal adjudication.

I may also point out that I had asked for documents from the League of Nations as admissible evidence. If I had been permitted them, I could have referred to these official documents, but since I did not get my hands on them I resorted to this means to provide the Court with the facts.

THE PRESIDENT: Will you repeat that, about the League of Nations? I didn't catch what you said.

DR. HORN: The documents regarding the minorities, which are in the possession of the League of Nations library -- I asked for these as admissible evidence. The General Secretary is trying to get hold of them, but so far I have not got my hands on them. Consequently, for the lack of these official documents I had to fall back on this less admissible source of evidence, namely, Lord Rothermere's book.

THE PRESIDENT: Have you specified the passages in the book which you wish to refer to? I mean, have you marked them somewhere in some copy of the book?

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DR. HORN: The documents regarding minorities in Czechoslovakia, to the extent that they are in the form of admissible documents, are in the League of Nations library or in the International Court at The Hague.

This is a collection that is published continuously by the League of Nations regarding minorities. It is an official document collection.

THE PRESIDENT: I am asking you whether you had specified the particular passages in Lord Rothermere's book which you want to put in.

DR. HORN: I am sorry. I misunderstood your question. Could I request you again to give the question that you put ?

THE PRESIDENT: The question I asked was, whether you have specified the particular passages in Lord Rothermere's book which you want to use?

DR. HORN: I have marked those passages, and it is page 137, 150, 138 151, 138 --

THE PRESIDENT: 137, 138 --

DR. HORN: 161, 162, 140, 144, 145, 157. These are in each case just short paragraphs.

THE PRESIDENT: Well, Dr. Horn, it is an appropriate time for us to break off, if we may.

(A recess was taken.)

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THE PRESIDENT: Dr. Horn, The Tribunal will rule upon the admissibility of these passages from Lord Rothermere's book when they have had the translation submitted to them. In the meantime, will you go on presenting your documents in the way that I suggested, and not stopping to detail any of them except those that you particularly want to.

DR. HORN. Very well.

May I explain briefly that the expansion of German groups in the border territories of Czechoslovakia led to the formation of the Sudeten German Party, and the cooperation of that Party and consultation with German official sources arose.

The defendant von Ribbentrop, as foreign minister and within the limits of directives given to him, had conferences with leaders of that German national group. As evidence, a number of documents have already been submitted by the prosecution, to which I propose to refer later. In this connection may I ask to make a correction in the document 2788-PS, where, on page 2, approximately in the middle, it says "because of the size and the progress which was, step by step" -- and now comes the error in the translation. It says "provocation" in our document, whereas in the original it ways "precision (Prezisierung) of the demands to be made in the fields of government which are to be avoided."

May I request to have this error rectified.

Furthermore, during the case of the prosecution it was stated that von Ribbentrop helped the independent action on the part of the Sudeten German leaders. As evidence to the contrary, I am referring to a part not yet read of the document PS-3060, from which the contrary can be gathered, namely, that the then foreign minister von Ribbentrop acted against the independent actions of the Sudeten German leaders with the help of his Ambassador in Prague.

As evidence of this, may I quote the first and second paragraph of this document? I quote:

"By order of Frank, the then leader of the Sudeten German Party, there was cooperation. Henlein, who has been trying to avoid me lately, has been con-

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tacted and I had discussions with him and Frank and have received the following assurances.

"First, decisive policy and tactical progress of the SDP (Sudeten German Party) must be exclusively the principle laid down by the Ambassador, or the Embassy, with reference to foreign policy. My instructions must be obeyed strictly.

"These directives are given within the framework of the general policy so far as direct interference in Czech foreign policy is concerned, and the policy of the Sudetan German Party, which is to have that avoided."

Regarding the details of the action on the part of the German Government in the Foreign Office in contact with the Sudetan German Party, I shall put questions to von Ribbentrop when he is called as a witness.

I am now passing on to Exhibit Ribbentrop, number 46, which I am submittin to the Tribunal for their official recognition. This document is an embassy report of the Czechoslovak Republic from the embassy in Paris. It is concerned with the sense and aim of the mission of Lord Runciman in Prague. It shows tha that mission was given him by England for the purpose of gaining time for re-armament. May I read the document?

"Paris, August 5, 1938. Secret. To the Minister.

"Massigly considers the sending of Lord Runciman to Prague a good thing. Anthony Eden said, during a conversation with Ambassador Korby -- the French Ambassador to London -- that after careful reflection the sending of Lord Runciman to Prague meant a good step in the right direction, since he is going to engage England more in Central Europe than has been the case up to now.

"Massigly says that the British know that the war will happen, and they ar using every means at their disposal to delay it. He is perfectly aware that Lord Runciman's mission in Prague is for the purpose of settling that conflict, that that is why he went to Czechoslovakia. It is supposed to take place so as to gain time, and

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Lord Runciman can probably make suggestions which will indicate considerable damage upon Czechoslovakia.

"This judgment of Massigly's is backed by further information which is extremely interesting.

"During the recent grain conference, which took place in London, the British, the Dominions, and the United States and France, had separate discussions of their own. The French delegate had a discussion with Minister of Health Elliot, and Poulson, British Minister for Agriculture, and he also talked to the famous expert, Sir Arthur Hewitt, who was in the Ministry of Agriculture and who had been given a leading task in the Air Ministry.

"From the speeches, the conduct, and attitude at the negotiations of the British, the French delegate gathered the positive impression that the British were interested in organizing grain supplies not so much to prevent the conflict but so as to win the conflict. The ministers Elliot and Poulson are both supposed to believe in the possibility of a conflict. Sir Arthur Strait said that in six months' time British aviation would have been put into order. Consequently, such importance is attributed to the gaining of time on Britain's part, I am quoting that information at this point in connection with Lord Runciman's mission to Prague, because as I said already the question of gaining time is playing a decisive part in the mission Lord Runciman was given in Paris.

"With best greetings, yours sincerely,

"Pulsusky."

On the 29th of September, 1938, the pact of Munich was concluded, in which Ribbentrop participated. Just how far is something I shall prove when the Defendant is examined as a witness regarding his policy.

On the 30th of September there was a mutual declaration, which I submit to the Tribunal as Ribbentrop Exhibit No. 47. That declaration of the Fuehrer and the British Prime Minister Chamberlain of September 30, 1938, was planned to serve the purpose of removing all outstanding difficulties between Germany and England. The reaction to that declaration or pact in Germany and England was different. As evidence for the British reaction I am referring to Exhibit Ribbentrop No. 48, which I am offering to the Tribunal with the

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request for judicial notice. This is an extract from the speech of the British Prime Minister Chamberlain in the House of Commons on October 3, 1938. May I quote the following from its first paragraph:

"If there is a lesson which we have been able to learn from the events of these last weeks, then it is the lesson that a permanent peace cannot be achieved by sitting still and waiting for it. To achieve it we need active and positive efforts. We in this country are prepared and for a long period have occupied ourselves with a long rearmament program, which in its speed and in its size is growing steadily. Nobody must believe that because of the signing of the Munich agreement we can afford it among the four powers to relax our efforts regarding that program at this present time or to weaken."

As evidence that this rearmament program of which Chamberlain is saying that in its speed and size it is growing steadily, I should like to prove this fact with the Exhibit Ribbentrop No. 49. This is a speech of the British Secretary of State of War, Hore Belisha, at the Mansion House, London, on October 10, 1938; and I request the Tribunal to take judicial notice of the extracts which I am submitting. May I quote a few words from this document:

"Still more must be done so as to give to the territorial army as a unit complete effectiveness."

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I am now skipping one paragraph and read the following paragraph, paragraph 5, which says:

"Regarding the formation of new units, these infantry brigades will have three battalions in the future instead of four, as this has laready been the case in the regular army. When using the material available, we gather that nine complete divisions after the pattern of the regular army can be formed. Furthermore, we desire the creation of a considerable number of modern corps and army replacement units--for instance, army field and army surveying units, signal troops, and so on, which in the event of a war can take their place at a moment's notice within the formations. All this is within keeping with the organization of our army."

So far the quotation is from the speech of this Secretary of State for War. Exhibit Ribbentrop No. 50 deals further with--and I emphasize this--rearmament. This is a speech of Winston Churchill's of October 16, 1938, and I beg to quote extracts from this speech and ask the Tribunal to take judicial notice of it. I am only quoting a few sentences; I quote:

"We must rearm. There can be no doubt that we shall rearm. Great Britain must forego its traditions of hundreds of years and introduce general conscription. The British nation will face whatever might come, but, so as to speak with President Wilson, 'The tool of arms as such does not suffice.' We must have the strength of spirit actively behind it. There are people who say that we must not enter upon a theoretical controversy between Naziism and democracy. This controversy exists today, however."

The fact that England was rearming in the air energetically as well, and far beyond the normal limitations of the needs of defense, is proved by the Exhibit Ribbentrop No. 51, which I am offering to the Tribunal with the request for judicial notice. This is a declaration of the British Secretary of State for Air, dated November 16, --

THE PRESIDENT: Dr. Horn, I thought you understood what the Tribunal wanted you to do, which was to put in these documents altogether. I think I have said from 44 -- wasn't it the document that you had got to?-- to 300 something, and you could put them in altogether. But now you have

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gone through 46, 47, 48, 49, 50 and 51, and you seem to be going through each one in detail, doing exactly what I asked you not to do. Didn't you understand what I said?

DR. HORN: Yes. The way I understood you, Mr. President, was that I may read important parts from them. That is what I did. These are only short extracts.

THE PRESIDENT: Are you going to find an important passage in each of th three hundred documents?

DR. HORN: No, Mr. President, certainly not; but if I don't read these extracts or can't read them then I would like to ask the Tribunal to accept my whole document book as evidence so that I can refer to it later.

THE PRESIDENT: That is what we intended to do. What we want you to do is to offer into evidence now, stating that you offer from Exhibit 44 up to 300 and whatever the number is, and we will allow you, of course, to refer to them a t a later stage when you make your speech; and if there is any passage which the Prosecution object to they can inform you about it beforehand and the matter can then be argued. But what we don't desire to do is to take up the time of the Tribunal by either offering each of those documents by itself, numbered individually, 44, 45 and so on, or that you should read anything except passages which are of especial importance at this moment. After all, you aren't putting forward your whole case now; you are only introducing your evidence.

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I am reminded that of these last few exhibits to which you have been referring, youhave referred to about six, all of them upon British rearmament. That is obviously cumulative, isn't it? Therefore, it can't be that all these are particularly important to you.

We only desire to get on, and we desire you, as I have said, to put in these documents, if I may use the phrase, in bulk; and we don't desire you to refer to any of them beyond that.

DR. HORN: In that case I am offering 51 --

COLONEL POKROVSKY: (Interposing) If I understand rightly, Dr. Horn up to now has not made any conclusions from those directions which were given him time and again by the Tribunal.

I had an opportunity, that is, as far as I could, to actually acquaint myself with those translations that are coming from time to time to me. And, by the way, Dr. Horn turned over these documents, not three weeks ago as he said, but considerably later. So far as I could familiarize myself with these documents, I had a whole series of objections.

Most of the documents in general are altogether irrelevant to the matter, and in particular, absolutely irrelevant to the case of Ribbentrop.

THE PRESIDENT: Colonel Pokrovsky, we have already indicated that we don't want to deal with questions of admissibility at the moment, because the documents are not before us. I don't understand the purpose of your objections. We haven't got the documents here. How can we tell whether they are admissible or not?

COLONEL POKROVSKY: I have an objection in principle. Part of the documents -- I will not quote their contents but merely for illustration will name two or three numbers.

Some of them are absolutely irrelevant and are expressions of individual persons, such as statements of President Wilson of the United States. I have in mind Document 294, 293, 291, and they are absolutely provocative statements. I have in mind Document Number 286.

There is a whole series of documents which directly could be taken right under the qualification of those directions that were given to him by the Tribunal, and it seems to me that if Dr. Horn will continue reading in the

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record those documents --

THE PRESIDENT: (Interposing) Colonel Pokrovsky, as I have said, we haven't got these documents before us. You say documents 291, 293, 294, and 286--I don't know even what the documents are. I have never seen them.

I think the best way would be for the chief prosecutors to submit their objections in writing, and then they will be considered by the Tribunal. The documents aren't here. We can't do anything until we see what the documents are. In order to try and get on with this case, we are allowing Dr. Horn to put in the documents in bulk. But your objections now are really simply taking up time and doing no good at all. If you would put in your objections in writing, saying that you object on certain grounds to these documents, that matter would be considered, but we can't consider it without that.

COLONEL POKROVSKY: My objection was dictated by the wish to save time, and is of a very practical order.

From the moment when a certain document--well, at least the contents of it--from the moment it is recorded in the transcript this material becomes the property of the press; and it seems to me that it is not within our interests to have a document which is an absolute falsification, known falsification, and the fate of which has not been determined by the Tribunal, that such a document should be turned over to anybody and that it should be made public.

Among the documents which have been presented by Dr. Horn, there are such documents. And it is not quite clear to me why these particular documents were delayed in translation, why these documents were turned over for translation later than others. And on the basis of this consideration I considered it was my duty to address the Tribunal, and I think that the Tribunal will consider the reason for my objections.

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THE PRESIDENT: I follow what you mean now with reference to documents being communicated to the press, and steps ought to be taken on that. The Tribunal will rule now that documents, upon the admissibility of which the Tribunal has not ruled, are not to be given to the press. I believe there have been some infractions of that in the past, but that is the Tribunal's ruling, that documents should not be given to the press until they have been admitted in evidence before this Court.

COLONEL POKROVSKY: Thank you.

THE PRESIDENT: I ought perhaps to add that the Tribunal are not in complete control of this matter. It is for the Prosecution to see, and also possibly for the Defense, that documents should not be given to the press until they have been admitted in evidence here.

COLONEL POKROVSKY: Up to now the order was such that if the document is named in the transcript , then it becomes public property. Up to now there was such practice.

SIR DAVID MAXWELL-FYFE: I wonder if I could help on that practical point. It is one which has given us a little concern.

As your Lordship knows, the practice has been that the documents have been given some 24 hours before they are produced in Court, on the understanding which has been practically entirely, completely, complied with, that the press would not publish it until the document is put in evidence. And, my Lord, I amsure that if the Tribunal expressed the wish that where any objections are taken to a document and the Tribunal reserves the question of admissibility, the press would, in the spirit with which they have complied with the previous practice, comply at once with the Tribunal's desire and not publish it in these circumstances. I think that in practice that would solve the difficulty which Your Lordship has just mentioned.

THE PRESIDENT: Yes. The only thing is, of course, that we are now dealing with a very large number of documents which Dr. Horn wants to submit, and, as you have heard, for purposes of trying to save time we have asked him to submit those documents in bulk.

SIR DAVID MAXWELL-FYFE: Yes.

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THE PRESIDENT: And of course it is very difficult, if not impossible, for members of the Prosecution to make their objections to documents when they are offered in bulk in that way. Therefore, I think the most convenient course would probably be if as soon as the translations of thos documents have been made, if the Prosecution could indicate any objections they have to them and the Tribunal would consider them. Then after the order of the Tribunal has been made upon them, they should then be made available to the press.

SIR DAVID MAXWELL-FYFE: My Lord, I respectfully and entirely agree. My Lord, the prosecutors did confer. Of course the only material that they had to confer upon was the short description of the document in Document Book 1, and on that it appeared to all of us that there were a number of documents which might be and probably were objectionable. But, clearly, from our point of view it would be much more satisfactory if we had the opportunity of seeing the actual document in translation, and then we should gladly comply with what your Lordship has suggested, namely, that we will make the objections to such of those as we think are objectionable in writing and let the Tribunal have it.

THE PRESIDENT: Sir David, a good many of them, I believe, are in English, and you could let us have your objections as soon as possible. Perhaps the press would act in accordance with our wishes and not make public those documents to which objections are taken --

SIR DAVID MAXWELL-FYFE: If your Lordship pleases, yes.

THE PRESIDENT: -- until we have ruled upon them.

SIR DAVID MAXWELL-FYFE: We will make our objections as soon as we have had the opportunity of reading the documents.

THE PRESIDENT: Very well.

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SIR DAVID MAXWELL-FYFE: If your Lordship pleases, yes.

THE PRESIDENT: -- until we have ruled upon them.

SIR DAVID MAXWELL-FYFE: We will make our objections as soon as we have had the opportunity of reading the documents.

THE PRESIDENT: Very well.

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DR. HORN: May I, Mr. President, state that none of my material has been handed to the press and may I also state that by an order of the Tribunal earlier, that part was to be translated only which was considered relevant by the prosecution; because of that ruling, as far as the objection of Colonel Pokrovsky regarding the value of the document is concerned, it is not quite understandable to me. I don't believe that the prosecution, on the strength of that ruling, would translate anything which, as Colonel Pokrovsky emphasized, would be regarded as "dirty" regarding its contents. I think that would have been objected to by the prosecution at the beginning and the danger hardly arises that any such translation or originals could reach the press.

THE PRESIDENT: I haven't seen the documents, so I can't say, but if you would continue in accordance with the scheme that I have suggested to you, I think that would be the best course for you to take.

DR. HORN: Yes, Mr. President. May I submit the documents referring to British rearmament, as far as arms and economy is concerned, which also concerned the cooperation between Britain and France at the same time? These are the documents 51 to 62 in my document book, and may I ask the Tribunal to take judicial notice of these documents.

THE PRESIDENT: That is 51 to 62?

DR. HORN: 51 to 62, my Lord. I am now coming to the Czechoslovakian problem. As evidence for this and the fact that Slovakia requested, on its part, to be taken under German protection, I am putting in document No.63, Ribbentrop No. 63, 64 and 75, which I submit to the Tribunal with the request that they take judicial notice of them. Furthermore, as far as this problem is concerned, I shall examine the defendant Ribbentrop when he takes the stand and, as far as is necessary, I shall ask him regarding these individual documents; and now, I am coming to the documents 66 to 69, which I am submitting to the Tribunal for their judicial notice. They contain statements regarding the reaction in Britain to the occupation of the Czech country in 1939 by Germany. Regarding details and how the creation of the protectorate came about, I shall examine the defendant Ribbentrop and also regarding the individual documents.

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The next group of exhibits I am submitting to the Tribunal are documents referring to article 99 of the Versailles Treaty and which refer to the international legal position of the Memelcountry. These are documents Nos. 70 and 71 of my document book.

Regarding the fact that in accordance with the established presentation of evidence, I had timed myself not to proceed any further today than to that document, I beg your Lordship for permission to submit the further documents to the Tribunal tomorrow. Up to now, on the strength of the existing practice, I had expected to read part of the documents and a brief and I had not expected to get any further today than that document.

THE PRESIDENT: Dr. Horn, why don't you put them all in now. You say you have an index of them. All you have to say is that you offer in evidence the documents from 71 to 300 and something and then they go in, and then if the prosecution should take an objection to them, of course, you can be heard upon the question of the objection.

DR. HORN: May I have your permission to confer with my colleagues for one moment and see how much material he has, so that I can offer these documents to the Tribunal. May I ask your Lordship -- I gather from the ruling of the Tribunal that submission of evidence here is not to take place but merely presentation of exhibits, quite apart from their contents.

THE PRESIDENT: Yes, presumably when these documents are submitted for translation which, I understand, you say you have done but at any rate, if you haven't done it, you will be doing it; you will mark the passages upon which you rely, which is what we desired you to do. You described all these documents by numbers and gave them exhibit numbers in your document book and all we want you to do now is tt offer them in evidence and then the prosecution, when they have been translated, will have the opportunity of objecting to them on the ground of their being cumulative or of their being inadmissible for some other reasons and, if necessary, you will be heard upon that. All we want you to do now is to get on. What difficulty there can be in submitting these documents, all of which you have indexed in your document book, the Tribunal is quite unable to see.

DR. HORN: Until now, it was the ruling of the Tribunal that we, during

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our case, were not only allowed to submit documents but also present them, read them with a connecting text so as to indicate the attitude of the defense. Just recently, Mr. Justice Jackson suggested that on the other hand, one could submit all documents together and that subsequently, the prosecution could raise objections to the individual documents without there being a presentation. That suggestion, on the strength of representations which were made by Dr. Dix, was turned down by the Tribunal and the Tribunal intended to continue the established procedure; namely, that of submitting the documents together with an inter-connecting text. Now, we seem to come to a complete departure from those proceedings; namely, by submitting all the documents to the Tribunal for judicial notice, and all together, and that seems such a complete departure from the established procedure that one has to regroup all these documents so as to submit them to the Tribunal in their proper order. Up to now, we had planned to read at least some of their contents.

THE PRESIDENT: I am not aware of any order of the Tribunal which refers to an inter-connecting text. We did not rule that you should not be allowed to read any passage from the documents but what we did rule was that we wished the documents to be presented and put in evidence and that the passages upon which you relied should be marked and that the prosecution should, if they wished, to object to them as being so irrelevant that they needn't be translated, that they should do so, and that the Tribunal should rule if there was a conflict upon that. Dr. Horn, of course, you can put any documents to your witnesses in the course of their examination and ask them to explain it. It isn't as though -- you are confined to this presentation of the documents in bulk.

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DR. HORN: Mr. President, may I add just another word. This matter appears to be yet another principal, important question, and I do not wish to prejudice my colleagues. I should like to have an opportunity to confer with them about it. This is a principal departure from the established procedure which the Defense had been allowed. I wouldn't like to take it upon myself to alter these matters of my own initiative and thus commit my colleagues. I hope that your Lordship will understand that.

THE PRESIDENT: Dr. Horn, the only material order which the Tribunal has made, as far as I am aware, is this: It is the order of the 4th of February 1946, 2 (a):

"During the presentation of a defendant's case, the defendant's counsel will read documents, will question witnesses, and will make such brief comments on the evidence as are necessary to insure a proper understanding of it."

DR. HORN: Mr. President, the only way we could understand that ruling was that we were granted roughly the same procedure as the Prosecution. After all, it is one of the fundamental principles of any trial that prosecution and defense have certain equality of rights.

So as to save time, we are prepared to adapt ourselves, and as far as documents refer to a certain definite problem, they will be submitted to the Tribunal as a group. We nevertheless reserve the right to make such comment upon their contents as is necessary to understand the whole context. This possibility would be taken away from us if we had now to submit the entire evidence all together without being able to make any statements connected therewith. We can't comment on a document individually if we submit ten documents for one certain group of problems or questions.

THE PRESIDENT: Dr. Horn, the Tribunal will adjourn now for a few minutes to consider this question, and will return in a short time and announce their decision so that you can prepare yourself for tomorrow on the lines which they wish.

DR. DIX: Before the Tribunal retires, may I ask a question. As far as I understood the proceedings so far, the difficulties were due to the

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fact that because of the non-existence of Russian and French translations some of the delegations and prosecutions could not enter into deciding whether or not they wished to object. On the other hand, the Tribunal is anxious to avoid quotations being read here with reference to which it has not yet been decided whether or not the Prosecution propose to object. That situation appeared to me the external cause of the present difficulties.

Please correct me if I am wrong, but the way I understood his Lordship was not that he thought that the decision announced and adopted in the proceedings so far was that important parts of documents we were presenting, provided they were recognized as important or relevant, could not be read. I think the impression that they can be read is still correct and that you are not making any exceptions now. Therefore, no principal new decision is to be made here at all now, but an attempt is merely being made to find a temporary solution regarding the bridging of the difficulties arising because Dr. Horn can't read any individual quotations from his documents at the moment because the Tribunal is not yet in a position to judge their relevance, since, in turn, the Tribunal does not yet know the attitude of the Prosecution.

Before you adjourn, therefore, may I ask you, so that we have a clear subject for our discussion: Is this conception of mine correct? Is this merely a question of finding a temporary solution whereby the principal right of the defense, namely that of using connecting texts between the documents -- in other words, words without which the documents could not be understood -- can be used, and relevant parts can be read, and this is to be adhered to and we are now merely concerned with the technical question which is also temporary?

I should be very grateful to your Lordship if I could be told if this conception of mind regarding the nature of these difficulties is correct.

THE PRESIDENT: We will adjourn now and we will return into Court very shortly and we will consider what you have said.

(A recess was taken.)

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THE PRESIDENT: On the 22nd of March, 1946, the Tribunal made this ruling, repeating a ruling of the 8th of March, 1946.

"To avoid unnecessary translations Defense Counsel shall indicate to the Prosecution the exact passages in all documents which they propose to use in order that the Prosecution may have an opportunity to object to irrelevant passages.

"In the event of disagreement between the Prosecution and the Defense as to the relevancy of any particular passage, the Tribunal will decide what passages are sufficiently relevant to be translated. Only the cited passages need be translated unless the Prosecution will require translation of the entire document."

That rule has not, for very likely sufficient reasons, been able to be carried out and therefore certainly the Tribunal has not got the translations and they understand that the Prosecution have not got, at any rate, all the translations and the difficulty which has arisen the Tribunal think is in part, at any rate, due to that fact.

The Tribunal, in citing that order of the 8th of March, 1946, on the 22nd of March, 1946, said this:

"In considering the matters which have been raised this morning the Tribunal has had in mind the necessity for a fair trial and at the same time for an expeditious trial, and the Tribunal has decided that for the present it will proceed under rules heretofore announced, that is to say:

"First, documents translated into the four languages may be introduced without being read but in introducing them Counsel may summarize them or otherwise call their relevance to the attention of the Court and may read such brief passages as are strictly relevant and are deemed important.

"Second, when a document is offered the Tribunal will hear any objections that may be offered to it."

In this connection the Tribunal then went on to read the order of the 8th of March, which deals with translations.

Now, in the present case, the translations, not being in the hands of the Tribunal or of all the Prosecutors, it has been impossible for the Prosecutors to make their objections and impossible for the Tribunal to rule upon the admissibility of the documents. Therefore, it is natural that the

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Prosecution have objected to the Defense reading from documents which they had not seen.

The Tribunal understands that the translations of these documents of Dr. Horn's will be ready tomorrow. They hope, therefore, that the order which I have just read will be able to be carried out tomorrow, and they propose for the present, and if the order is reasonably and fairly carried out by Defense Counsel, to adhere to it. They would draw the attention of the defendants' counsel again to the first paragraph of the order and would remind them that they must adhere strictly to that order. The documents having been translated into the four languages may be introduced without being read but in introducing them counsel may summarize them or otherwise call their relevance to the attention of the Court and may read such brief passages as are strictly relevant and are deemed important. In that connection I would add and are not cumulative.

The Tribunal cannot sit here and have everyone, as are concerned in this particular defendants' case, three or four hundred documents read to them and commented upon and argued and therefore it is absolutely essential in the opinion of the Tribunal that counsel must summarize briefly and indicate the relevance of the documents briefly and only read such passages as are really strictly relevant and are not cumulative.

The Tribunal are prepared to adhere to that rule, as I say, if counsel will adhere strictly to it themselves, and they think if Dr. Horn will state, after offering the documents either in one complete bulk or in a group or in groups, the relevancy of each group and confine himself to the reading of only passages which are really necessary to be read in order to understand the documents, that will be satisfactory to them. But they cannot sit here to hear either each of those documents offered in evidence by its number or to hear a short speech or even a long speech about the relevancy of each of the documents or to hear passages read from each of those documents. The number of documents is very great and it is impossible for the Tribunal to carry on an expeditious trial unless the rule which they have laid down is interpreted in the way in which I have indicated.

As I have already indicated in the emphasis which I threw upon the words,

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this rule was expressly made for the present and unless it is worked by the Defense Counsel in a reasonable way the rule will be altered.

(The Tribunal adjourned until 28 March, 1946, at 1000 hours).